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Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia

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List of abbreviations

ACCU	Peasant Self-Defence Groups, Córdoba and Urabá
ACVC	Rio Cimitarra Valley Peasant Association
ANTHOC	National Trade Union of the Health Sector Workers of Colombia
ASFADDES	Association of Relatives of Detainees and Missing Persons
AUC	United Self-Defence Groups of Colombia
CODHES	Advisory Office for Human Rights and Displacement
CONPES	Economic and Social Policy Council
CREDHOS	Regional Corporation for the Defence of Human Rights
CTI	Technical Investigation Unit of the Office of the Public Prosecutor
CUT	Trade Union Confederation
DANE	National Department of Statistics
DAS	Administrative Department of Security
DIAN	National Tax and Customs Administration
DIJIN	Judicial Police Office
DNP	National Planning Department
ELN	National Liberation Army
EPL	Patriotic Liberation Army
ERG	Guevara Revolutionary Army
FARC	Revolutionary Armed Forces of Colombia
FECODE	Colombian Education Workers' Federation
FENALTRASE	National Federation of State Workers
GDP	Gross Domestic Product
ICBF	Colombian Family Welfare Institute
ICRC	International Committee of the Red Cross
ILO	International Labour Organization
INPEC	National Prison System Institute
IPC	People's Training Institute
OFP	Women's Popular Organization
SIJIN	Judicial Police Section
SINTRAEMSDES	Union of Municipal and Departmental Workers
UC	Camilista Union
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund

INTRODUCTION

1. The Commission on Human Rights has been following the human rights situation in Colombia with concern for several years. This has been reflected in successive statements by the Chairperson. In 1996, the Commission requested the Office of the High Commissioner for Human Rights to establish an office in Colombia pursuant to the invitation extended by the Colombian Government.

2. The Office of the United Nations High Commissioner for Human Rights (OHCHR) in Colombia was established on 26 November 1996 under an agreement signed by the Colombian Government and the then United Nations High Commissioner for Human Rights. Under the terms of that agreement, the Office is to observe and monitor the human rights situation and international humanitarian law in order to advise the Colombian authorities on the formulation and implementation of policies, programmes and measures for the promotion and protection of human rights in the context of violence and internal armed conflict in the country. The High Commissioner should thus be able to submit analytical reports to the Commission on Human Rights. The agreement has been extended for a third time, until April 2002.

3. In a statement to the Commission on Human Rights at its fifty-sixth session (2000), the Chairperson said the Commission believed that "the Office continues to play a vital role in addressing ongoing violations of human rights and international humanitarian law" and that "[it] continues to consider of the utmost importance and to fully support the valuable work which the Office is undertaking in the promotion and protection of human rights in assisting Colombian authorities in developing policies and programmes in the mentioned field". Further, the Commission encouraged "the expansion of OHCHR's presence beyond Bogotá" and requested the High Commissioner for Human Rights to submit to it at its next session "a detailed report [...] containing an analysis by the Office in Bogotá of the situation of human rights in Colombia".

4. The present report deals with the period between January and December 2000, and is based on information collected by the Office in Colombia either directly or through its interlocutors and analysed by the Office. As part of its monitoring functions, the Office receives complaints and travels to regions outside Bogotá to observe first-hand situations relating to its mandate. Through interviews and meetings with victims, witnesses, national and local military and civil authorities, and also through direct observation, the Office is in a position to analyse the information collected and evaluate the behaviour of the parties concerned, including both their involvement in abuses committed and their responsibility for taking preventive or protective action. It communicates its concerns to the competent authorities and makes such recommendations as it deems appropriate for tackling the various situations. It also concentrates its legal advice, technical cooperation and technical assistance to national institutions on the findings of its observations and responses to the obstacles and difficulties it diagnoses.

I. VISIT OF THE HIGH COMMISSIONER TO COLOMBIA

5. The United Nations High Commissioner for Human Rights visited the country on 3 and 4 December 2000. The visit was undertaken in order to verify the human rights situation in Colombia, support the work of the Office in Bogotá and highlight the role being

played by the Director and his staff. The High Commissioner's presence came at a critical moment for the country when it appeared that a breakdown of the peace process with the Revolutionary Armed Forces of Colombia (FARC) might be imminent.

6. During her second visit to Bogotá, the High Commissioner met President Andrés Pastrana Arango; the Inter-Sectoral Commission for Human Rights, which comprises Cabinet Ministers and the heads of the judicial and oversight agencies; the Minister of Labour; the People's Advocate; political and business leaders; journalists; and representatives of over 20 human rights organizations, trade unions, the peace movement, indigenous and Afro-Colombian associations and United Nations agencies. She also gave a press conference for the principal Colombian mass media.

7. The High Commissioner's visit sent a firm message not only about the importance of human rights in the rule of law but also about the need to build a negotiated peace in Colombia. In this regard, the High Commissioner called upon civil society to rise above the acute polarization the country is experiencing and reject pro-war positions.

8. In messages to the Government, to the various armed factions and to Colombian society, the High Commissioner emphasized several concrete issues. She reminded all the armed factions that humanitarian principles are not negotiable or subject to modification. She called upon the Government, in particular, to implement efficient mechanisms to fight the paramilitary phenomenon and to tackle the structural causes of the crisis in the prison system. The need to hasten the adoption of a national plan of action on human rights and to conduct an independent evaluation of the Ministry of the Interior's Human Rights Protection Programme was also stressed.

9. The High Commissioner reminded the Government, all the armed factions and Colombian society of the importance of strong backing for the attainment of a global agreement on human rights and international humanitarian law, this being an essential step for reaffirming common values and bolstering the peace negotiation process.

II. ACTIVITIES OF THE OFFICE

10. In 2000, the Office continued its activities, seeking to further strengthen each of its work areas, namely, observation, legal advice and technical cooperation.

11. The complaints registered with the Office continued to reveal and shed light on what was happening in the country. Altogether 1,017 complaints were received in 2000; 759 of them were accepted. Some 108 written communications were sent to the authorities and direct follow-up was undertaken on numerous occasions. The Office made trips to various parts of the country, carrying out 65 field visits and a total of 145 days' worth of activities outside Bogotá. The trips were mainly to regions where the severity of the human rights violations and breaches of international humanitarian law were of special concern to the Office, or where the Office saw an opportunity to avert such violations and breaches or a pressing need to succour the victims.

12. The Office increased its legal advisory activities. It attended several working meetings of committees and other bodies to press for investigations of human rights violations and breaches

of international humanitarian law, devise programmes, identify ways of protecting and guaranteeing human rights and press for follow-up on human rights-related recommendations.[1] It produced four information leaflets exploring notions in international currency that are helpful in discussing topics of national interest.

13. In conjunction with the National University, the Office published an updated compilation of international human rights and humanitarian-law recommendations applicable to Colombia. Two further compilations were produced, one on international human rights and humanitarian-law instruments and international criminal law, the other on international and national jurisprudence and doctrine (see chapter VIII). Additionally, the Office published a leaflet on security and self-defence.

14. Concerning technical assistance and advisory services, the Office continued to increase its dialogue and develop projects with the Colombian institutions responsible for protecting and promoting human rights and with non-governmental organizations and academic institutions (see chapter VIII).

15. As part of its public information and promotion policy, the Office participated in numerous activities (seminars, forums, workshops and conferences). It also held two regional workshops with non-governmental organizations (see chapter VIII). For working with the media, the Office contracted a national public information officer and held workshops and meetings with journalists. The Director gave numerous interviews, convened various press conferences and had many working meetings with the directors of the most prestigious mass media organizations in the country. The Office issued 17 press releases.

III. DIFFICULTIES IN IMPLEMENTING THE OFFICE MANDATE

16. In carrying out its mandate the Office has faced a number of difficulties which are worthy of mention. The first of these is the noticeable decline in respect for human rights and international humanitarian law in Colombia. This has caused the progressive closure of many avenues for participation, lodging complaints, investigation and follow-up at all levels, thus directly affecting joint efforts by entities working in the field of fundamental rights, particularly non-governmental organizations. Subject to the resources at its disposal, the Office made a conscientious effort to pursue its work under serious and difficult circumstances, monitoring the situation in many regions despite an unmistakable climate of polarization and intolerance (see chapter IV).

17. The Office has also experienced some difficulties in dealings with the Government. Bodies through which, since starting up operations in Colombia, it has been providing the State with support and advice for the promotion of activities and programmes aimed at overcoming obstacles and implementing international recommendations have been dismantled, sidelined by key Government policies, assigned piecemeal to collateral effects of the major problems faced, or have not had an impact commensurate with the magnitude of the crisis. For example, the overwhelming majority of Governmental responses to Office communications about specific cases and situations (such as early warnings) have been unsatisfactory, inoperative and purely

bureaucratic. Even though President Pastrana himself has taken serious note of these situations, the poor Governmental response to dialogue with the Office has not been substantially corrected and the potential of the Office has been greatly underutilized by the Government.

18. Rising to the challenge, the Office reworked its strategy for action and cooperation, seeking the most appropriate and effective channels. In an effort to extend dialogue with the Government beyond the annual sessions of the Commission on Human Rights, half-way through 2000 it presented its main concerns to President Pastrana in a confidential report. The pattern of communication did not, however, change. Aware, on the other hand, of the growing expectations that all sectors of the country had of it and the increasingly generous attention it was receiving, the Office redoubled its efforts and exchanges with a wide spectrum of political, business, church, trade-union, neighbourhood, peasant, academic, student and former rebel groups, in all cases obtaining an encouraging response.

19. Lastly, the Office had financial problems during 2000 that severely affected its activities. Owing to the late arrival of resources needed to fulfil its mandate, it had to suspend field visits for about a month. Likewise, some of the technical cooperation projects planned for the current period have had to be deferred to 2001. For the same reasons the opening of regional offices, which the Office had planned in response to recommendations by the Commission on Human Rights, remains pending.

IV. NATIONAL CONTEXT

20. Events in Colombia during 2000 included a variety of interwoven, complex issues. These include the peace dialogues between the Government and the guerrilla groups, the sharp differences that have arisen among the political elite over land reform and the referendum, and the crisis that resulted. There was a scandal caused by revelations of persistent corruption in the awarding of State contracts, intense discussion about the approval of international resources for the "Plan Colombia" initiative, and bilateral relations between Colombia and Venezuela entered dangerous waters. These issues must be understood within the context of more structural difficulties, such as the persistent harsh effects of the 1999 economic crisis and the constant, pernicious activity of Colombia's powerful drug-trafficking networks.

21. A proper exploration of these issues is beyond the scope of the Office's mandate and the present report. Attention must, however, be drawn to the polarization that began to take hold in Colombia during 2000 and clearly established itself as the most disturbing social, political and even military phenomenon capable of affecting the next political cycle in the country. President Pastrana has himself publicly expressed concern over the risks that such a scenario could engender. The polarization of opinions has subtly and gradually permeated the core issues alluded to above and, if not counteracted, looks capable of shaping events and decisions by all parties involved in Colombia's multiple crises. It is not only adversely affecting the peace dialogues, efforts to settle numerous social and labour issues, national political debate and the economy but is also contributing to the erosion of national institutions vital to the maintenance of the rule of law.

22. The Government persisted in its efforts to advance towards the adoption of accords to achieve peace and took a number of steps to this end (see chapter VI.1). During the period

covered by this report, however, the Office has noted that broad support for the continuation of political negotiations with FARC has diminished considerably. Some circles and political leaders are demanding an end to the "demilitarized zone" and the launching of large-scale military offensives against the guerrillas. Similarly, they are urging the approval of legislation that would pave the way for the creation of armed "militias", which could signal the beginning of a dangerous escalation of the armed confrontation. At the same time, the Government has put forward major legislative reforms that could affect and restrict constitutional rights and safeguards and aggravate the existing situation of impunity. The Office has also found that a growing number of factions and sectors in the country tend to view any critical analysis of the situation, including analysis of a constructive nature, as frontal and deliberate attacks. It notes that dialogue with the ELN also ended in stalemate this year, although important progress was made. Generally speaking, the environment is unconducive to dialogue at any level.

23. In light of the above, the main challenge in Colombia is to muster enough local support to steer the country back towards respect and protection of fundamental rights, genuine human development and just and sustainable peace. With this in mind, a number of countries supportive of Colombia are focusing their energies upon a negotiated solution to the internal armed conflict. Among United Nations system activities in Colombia, those of the Office have emphasized the promotion of a global accord on human rights and international humanitarian law, an initiative supported by the United Nations Commission on Human Rights, as expressed in the statement by its Chairperson, and by the Secretary-General himself. In November 2000, President Pastrana spearheaded a multi-political consensus initiative known as the "Common Front for Peace and against Violence", which stressed the need for a global accord similar to the one mentioned above as an "urgent consideration". In keeping with its mandate, the Office will continue to promote the global accord proposal, seeking to support basic consensus-building and check the downward spiral of confrontation and polarization.

V. HUMAN RIGHTS SITUATION AND INTERNATIONAL HUMANITARIAN LAW

24. In compliance with the mandate of the Colombia Office, the present report refers to both violations of international human rights law and breaches of international humanitarian law. Acts and omissions against rights embodied in international human rights instruments[2] are violations when committed by public servants or by private individuals acting at the instigation or with the consent or connivance of the authorities.

25. In the context of Colombia's internal armed conflict, breaches of international humanitarian law, committed in the main by direct participants in the hostilities, are acts or omissions contrary to article 3 common to the four Geneva Conventions, to Additional Protocol II of 1977[3] and to customary law. In Colombia, international humanitarian law applies to the State, the guerrillas and paramilitary groups.

26. The main insurgent armed groups (guerrillas) in Colombia that oppose the State are the following: the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia (FARC)), the National Liberation Army (Unión Camilista-Ejército de Liberación Nacional (UC-ELN)) and the People's Liberation Army (Ejército Popular de Liberación (EPL)). There are also paramilitary groups calling themselves self-defence groups and claiming to be

purely counter-insurgent. The majority of them identify themselves publicly and collectively as the United Self-Defence Groups of Colombia (Autodefensas Unidas de Colombia (AUC)), the strongest and best-known core group being the Cordoba and Uraba Peasant Self-Defence Groups (Autodefensas Campesinas de Córdoba y Urabá (ACCU)).

27. Human rights violations committed by paramilitary groups entail State responsibility in a number of ways. First as regards the setting in which such violations take place, the State bears some general responsibility for the existence, development and expansion of the paramilitary phenomenon. Second, there are situations in which official support, acquiescence or connivance have been contributory factors in such violations. Acts perpetrated by paramilitary groups and facilitated by inaction on the authorities' part must also be regarded as human rights violations. The Colombian State has positive obligations to protect human rights and prevent their violation.

28. It is also important to note that many of the following cases, besides being breaches of international humanitarian law, raise the issue of direct or indirect State responsibility in human rights matters.

A. Civil and political rights

1. Right to life

29. In 2000, as in previous years, extrajudicial executions constituted the most obvious and numerous violations of the right to life. They took the form of massacres or individual, "selective" killings. Although a high percentage of the executions appeared to be politically motivated, in some cases the characteristic traits of the practice known as "social cleansing" were identifiable.

30. The majority of the massacres were committed during violent paramilitary raids, many of which resulted in the forced displacement of the local inhabitants. The Ministry of Defence has stated that the paramilitary groups "are largely responsible for the increase in human rights violations in recent years".[4] In cases such as those in Ochalí (Antioquia) on 19 January, Ovejas (Sucre) and El Salado (Bolívar) between 16 and 19 February, Pueblo Bello (Cesar) on 8 March and Tibú (Norte de Santander) on 6 April, killings ranged between 15 and 54 per massacre. The massacre in Ciénaga Grande de Santa Marta (Magdalena) on 22 November was a classic example. A group of 60 paramilitaries raided a number of small fishing villages and killed at least 42 people. A further 30 people were reported disappeared and 3,000 were forcibly displaced. These crimes are part of a systematic offensive against the civilian population.

31. The common characteristic of these massacres was the deliberate and extreme cruelty involved, including utter atrocities inflicted on those accused of sympathizing with the insurgents. They caused unease and terror among the civilian population. The Departments worst affected by collective executions by paramilitary groups were Antioquia, Bolívar, Casanare, Cauca, Cesar, Chocó, Magdalena, Norte de Santander, Putumayo, Sucre and Valle.

32. The bulk of those killed in paramilitary extrajudicial executions were peasants of all ages, children among them. In the eyes of the AUC, peasants are potential collaborators with or passive supporters of the guerrillas.

33. The Office also received reports of extrajudicial executions allegedly by members of the security forces. In the Department of Caldas members of the National Police were accused of "social cleansing" killings in the municipalities of Salamina, Neira and Aranzazu. The Office was informed of a case in Pasto (Nariño) in which an officer and several policemen were interrogated about the deaths of several homeless individuals whose bodies were found with their throats cut and showing signs of torture. In Pueblo Rico (Risaralda), on 18 April, three indigenous Emberá-Chami died in a massacre said to have been carried out by members of the Army. Another example is the killing of 15-year-old Over Perea by a policeman on 3 October in the El Cartucho neighbourhood of Bogotá. Perea, who had been detained together with three other minors, was tortured and shot before being disposed of in a garbage container. In the Las Ovejas and El Salado massacres mentioned above, the Office heard accounts indicating that members of the Army may have been directly involved.

34. As regards "selective" killings, during the period covered by this report municipal officials, candidates for a variety of popularly elected posts, demobilized servicemen, indigenous persons, academics, students, trade unionists and human rights defenders, among others, met violent deaths at the hands of paramilitaries.

35. Over the period the Office has identified a new pattern of selective killings adopted by the AUC: in some parts of the country the incidence of selective killings is steadily increasing to outnumber massacres, the characteristic modus operandi of the self-defence groups in the past. This pattern, which seeks to diminish the public impact of killings, is particularly marked in Barrancabermeja (Santander) and some municipalities of Northern Cauca. In addition, the Office has learned that in other areas dominated by paramilitaries, social cleansing has been systematically practised against prostitutes, homosexuals, criminals, drug addicts, street children and informal garbage collectors, among others. There are few official reports on this phenomenon, which has been observed mainly in areas such as Montería and Tierralta (Córdoba), Remedios and Segovia (Antioquia), Santa Marta (Magdalena) and Quibdó (Chocó).

36. Other violations of the right to life during 2000 include those committed by members of the security forces acting negligently or using excessive force in incidents involving firearms or tear gas. Such was the case in Toledo (Norte de Santander) on 11 February when a six-month-old girl died as a demonstration by the U'wa indigenous peoples against the OXY oil company was broken up.

37. An incident in Pueblo Rico (Antioquia) on 15 August, when six children were killed and a further four were wounded after being fired at by members of the Colombian Army for close to half an hour, caused consternation in the country.

38. Lastly, the threats which members of the human rights NGO community, judiciary officials, journalists, trade unionists, religious ministers, university professors and students have received from paramilitary groups are closely linked to violations of the right to life. (See chapter VI).

2. Right to personal integrity

39. Although in the past few years there has been a marked decrease in complaints about torture being used to extract confessions or testimony, numerous cases of torture for purposes of punishment or intimidation have been reported over the past 12 months. Almost all cases of torture in Colombia involve great suffering since the torturers' intention is either to punish their victims illegally for who they are, what they think or how they express themselves or to inspire fear amongst their families, friends, neighbours or co-partisans.

40. Many of those killed in extrajudicial executions by members of the paramilitary are first tortured by their abductors, often atrociously, as in the Las Ovejas and El Salado cases mentioned above. The fact that torture generally precedes extrajudicial executions skews the statistics on torture. When information is gathered on massacres and selective killings, the victims are usually classified under violations of the right to life, with no mention of the violation of their right to personal integrity. In other instances, physicians omit to mention in autopsy reports the existence of signs of torture in the corpses examined.

41. Violations of the right to personal integrity through cruel, inhuman or degrading treatment were also registered during the year. People taking part in public protests, as was the case in Monteria (Córdoba) on 6 March when squatters were being evicted from a property they had been occupying, or in detention in police stations or jails, suffer such treatment. Details of the conditions in Colombian prisons where thousands of people are held can be found in chapter VI.

42. The Office also received complaints of excessive force being used in military and police operations. Cases in which law enforcement officials openly flouted international principles governing the legitimacy, proportionality and appropriateness of physical force during street protests and inside prisons were reported.

3. Right to liberty and security of person

43. Enforced disappearance is a serious and commonplace violation of the right to liberty and security of person. For the purposes of this report, the Office only considers as enforced disappearances incidents in which the perpetrators are those referred to in international agreements on the subject, i.e. public officials and individuals who act with the support, acquiescence or connivance of the State authorities. This qualification is necessary since, under Colombian legislation, proceedings may be brought against private individuals for enforced disappearance even if they act without the support, authorization or consent of the State.

44. The Office observed that during the period covered by this report enforced disappearance was repeatedly used by paramilitary groups for the purposes of punishment and intimidation. Statistics on the number of victims remain imprecise since this crime is generally committed in a setting of widespread violence against the civilian population in which other criminal acts, such as extrajudicial executions, abductions and mass expulsions, proliferate. It is thus difficult to prove in many instances that an enforced disappearance has definitely taken place. In rural areas subject to paramilitary raids, time and again people are removed from their homes or places of work by armed men accusing them of supporting the guerrillas, never to be seen again. On other

occasions, the corpses of people taken captive under similar circumstances are found some time later, and it is established that after having been taken, they have been tortured and extrajudicially executed.

45. According to figures from the Office of the People's Advocate in Antioquia, in the first six months of 2000 alone the number of enforced disappearances in the department reached 520, more than the total number of recorded cases in 1999.

46. Although in the vast majority of the disappearances brought to the attention of the Office the claimants blamed members of paramilitary organizations, there were also cases attributed to members of the security forces.

47. The most common and recurrent violations of the right to liberty took the form of arrests made by public servants who had no authority or legal grounds to do so, or were acting in accordance with laws or regulations clearly incompatible with international principles.

48. Unlawful or arbitrary deprivation of liberty continued throughout 2000 as members of the security forces carried out what are known in Colombia as "temporary arrests"[5] or "governmental pre-trial detentions". These allow people in public places or areas open to the public to be held for up to 12 hours without a warrant. In practice, police "raids" or "round-ups" in urban and rural areas are conducted without regard for legal rulings[6] limiting the powers of the administrative authorities to deprive of their liberty individuals who are neither discovered in flagrante delicto nor officially wanted. As there is no judicial check on the legality of such arrests, those arrested are at risk not only of cruel, inhuman or degrading treatment or torture, but also of extrajudicial execution.

49. Unlawful or arbitrary arrests continued to be carried out in 2000 by members of the military during army counter-insurgency operations in areas of guerrilla activity; civilians living in the areas under patrol were deprived of their freedom on vague charges of having links with the guerrillas. On 21 October, eight peasants were allegedly arrested in Yondó (Antioquia) by soldiers of the Héroes del Majagual Battalion No. 45. They were not handed over to the Regional Office of the Attorney-General in Barrancabermeja until 48 hours later.

50. Other instances of deprivation of freedom by paramilitaries, such as hostage-taking and kidnapping, are discussed in section E below.

4. The right to freedom of movement and residence

51. During the period covered by this report, the Office was informed of violations of this right both by the military and by paramilitary groups. Although beyond the scope of this report, it is important to document the fact that in several important regions of the country, the movement of persons and goods alike has become unpredictable and risky, chiefly because of the frequency, intensity and duration of guerrilla operations along the nation's highways. (See section E below and chapter VI).

52. Military restrictions on freedom of movement affected the inhabitants of indigenous territories, for example in the Sierra Nevada of Santa Marta, where it became especially difficult

to obtain basic commodities. Another case involved the Peace Community at San José de Apartadó (Antioquia), where under orders from the commander in charge of the area, soldiers insisted that all entering or leaving must identify themselves and show their papers, and only members of the community were allowed to enter. The community has, moreover, been incessantly denounced by the authorities, who accuse its members of having links with the guerrillas.

53. As concerns paramilitary groups, violations of the right to freedom of movement were associated with the establishment of illegal checkpoints in the regions under their de facto control. Not only are roadblocks used to check the identity of travellers and restrict trade in goods and petrol but they are strongly associated with subsequent extrajudicial executions, enforced disappearances, massacres and forced displacement of civilians.

54. Throughout 2000, the Office received reports of paramilitary roadblocks, particularly in Tibú (Norte de Santander) Valle del Guamuez (Putumayo), Quibdó (Chocó) in the Antioquia municipalities of San José de Apartadó, Urrao, Frontino y Uramita, and in Bahía Solano, Tumaradó (Chocó). In the latter case, returnees from Cacarica were affected. The roadblocks were often set up at sites within areas with a visibly strong military presence.

55. In Medellín, Municipal Decree 326, granting the police powers to break up and punish any large moving body of people, continued to be applied. This decree not only violates freedom of movement but also affects freedom of speech and freedom of association and is not in keeping with international requirements concerning states of emergency.

56. The most serious violations of the right to freedom of movement, forced displacements, are dealt with in chapter VII, section 3.

5. Right to due process

57. Full exercise of the right to due process has remained unpredictable given the high impunity rate, particularly where human rights violations and breaches of international humanitarian law are concerned. This is, however, a problem linked not to one but various factors, some of them structural and others related to the administration of justice, the weakening of judicial and supervisory mechanisms and their limited ability to act or, indeed, their complete absence from many regions of the country.

58. Although the new Military Criminal Code came into effect in August 2000, the right to be judged by a competent, independent and impartial court[7] continued to be violated when cases of serious human rights violations or breaches of international humanitarian law were heard in military courts. The classic illustration of this was the case of Nidia Erika Bautista, who went missing in August 1987. The Human Rights Committee established under the International Covenant on Civil and Political Rights found the Colombian State responsible. The Office received complaints about a number of irregularities in the trial including the violation of procedural guarantees of the defence and the duty to render justice within a reasonable time period. In early 2000, the case was still under investigation by the criminal military justice

system. Finally, following a pronouncement by the Constitutional Court, on 21 July the Supreme Judicial Council transferred jurisdiction to the ordinary courts, since when the case has been handled by the Human Rights Unit of the Attorney-General's Office.

59. The Attorney-General's Office has declared cases of serious violations of human rights and breaches of international humanitarian law beyond its jurisdiction, passing them instead to the military criminal justice system. It did so in the cases of the Santo Domingo massacre and the arbitrary killings in Pueblo Rico.[8] The former took place in December 1998 in the Department of Arauca: an investigation was mounted into reports that some 20 people, including 6 children, had died in an air raid by the Colombian Air Force on the civilian population. The Human Rights Unit of the Attorney-General's Office transferred the case to the military criminal justice system on 30 May 2000. The latter incident occurred on 15 August 2000 in Pueblo Rico (Antioquia) and concerns six children killed by members of the Army. The case was opened by the Regional Attorney-General's Office in Medellín, which referred it to the military criminal justice system in August 2000 although the new Military Criminal Code was already in force.

60. Some violations of the right to the presumption of innocence, in particular abuses of pre-trial detention, have also been documented. The Constitutional Court, considering a plea that the right to due process had been violated because decisions by the judicial authorities were insufficiently substantiated, ruled that, given the presumption of innocence, it was impermissible to treat a suspect under investigation as though he were already a convicted criminal. It added that the arguments put forward by the Attorney-General's Office stemmed from unfortunate prejudices and preconceived ideas against criminals and defendants.[9]

61. Other violations have resulted from omissions or unwarranted delay by judicial officials on whose actions the exercise of due process or personal liberty rights depends. The Constitutional Court ruled on the subject in a judgement on guardianship: the prosecutor involved had responded to an application for bail a month after it was submitted although the time limit for doing so is three days. The omission gave rise to a petition of habeas corpus, which was denied.[10] This was because of inconsistencies in the regulations governing habeas corpus to which the Office drew attention in its previous report: when arrests are ordered by a judge, the application for a writ of habeas corpus must be submitted to the same judge, and the usual features of such proceedings are absent.

62. As for the right to defence, the mere fact that over half the inmates of Colombia's prisons rely on a public defence service whose grave shortcomings are documented in chapter VI sets in context the reports from detainees complaining that they had no or a technically deficient defence.

B. Economic, social and cultural rights

63. Economic, social and cultural rights were affected in general by the economic crisis, fiscal adjustment policies, violence and the problem of population displacement. The internally displaced are the worst-affected, with highly unpredictable living conditions and basic needs such as food, housing, education, and health, that are far from being met.

64. Given the increasing violence against the trade union movement over the period, the Office has reassigned priority to monitoring the right to work. It also decided to focus on violations of the economic, social and cultural rights of highly vulnerable groups, such as the displaced, indigenous and Afro-Colombian populations. In order to monitor these rights it maintained close coordination with the specialized agencies of the United Nations system.

65. The country's economy has been affected by the recession of 1999 and only recently has a slight recovery been noted. The per capita income of Colombians continues to drop. According to official estimates, at year end annual per capita income had fallen to US$ 2,043.80, US$ 100 less than six years ago. The State has been unable to close the inequality gap. The Human Development Index (HDI) has dropped 11 points since last year, putting Colombia 68th among the 174 countries covered by the index. Departments such as Cauca, Chocó, Nariño and Sucre have per capita GDPs less than a quarter that of Bogotá, showing that there are still pronounced inequalities between departments and efforts to correct the situation have not been sufficient. The markedly unequal income distribution dramatically reduces Colombia's overall human development rating.

66. Within this context, a study released by the Colombian Department of Planning indicates that poverty increased by over 14 per cent between 1997 and 1999. Those living in poverty numbered 19.7 million in 1997, rising in 1999 to 22.7 million out of an estimated population of 36 million. The number of those in need increased by 831,000 over the same period. The trend continued in 2000.

1. Right to work and trade union rights

67. According to figures from the National Department of Statistics, by the end of the third quarter of 2000 unemployment had reached an unprecedented rate of 20.5 per cent. An estimated 1,552,000 people were unemployed in the country's seven principal cities. Women were the worst affected, with unemployment of 24.2 per cent as compared to 17.2 per cent for men.

68. In addition to the high unemployment rate (one of the highest in Latin America), the exercise of the right to work has been hindered by structural and economic causes compounded by a growing climate of violence against the trade union movement (see chapter VI, section 7).

2. Right to education

69. The right to education has been particularly affected in that the teaching profession itself is subject to violence. Teachers are among the workers most often affected by killings, threats and violence-related displacement. They have also had to cope with lengthy delays in the payment of their salaries and budget cuts due to the implementation of fiscal adjustment policies.

70. Recent studies by Misión Social and UNDP indicate that in the past two years progress in education has fallen off and education rates have decreased nation-wide and in 17 of the 25 departments. Colombia has one of the lowest adult literacy rates among the countries with high human development ratings in the Latin American region. The disparity between departments is alarming, Chocó and Cordoba, with the largest indigenous and Afro-Colombian

populations, being the worst affected. Total school enrolment has decreased nation-wide since many families can no longer afford to send their children to school or because children drop out in search of jobs. The drop-out rate is higher for females than for males. The situation has been exacerbated by the fact that there are not enough places in the State schools so many school-age children are left out of the educational system. Those worst affected are children from poorly-off families.

71. The Government's neglect of education especially affects the internally displaced population. One case reported to the Office concerns the lack of teachers for the population returning to the Cacarica River Basin despite a signed undertaking by the Government to the community in late 1999.

72. The Office has not observed any significant progress in teaching human rights in all educational levels. The national action plan for education on human rights, proposed by the High Commissioner within the framework of the 1995-2004 United Nations Decade for Human Rights Education, has yet to be prepared. The Office has, however, received reports on some isolated efforts being made by a number of governmental institutions to provide human rights education. Nonetheless, these efforts are not part of an integral educational strategy and have served to highlight the degree of ignorance in this field.

3. Other rights

73. The Office continues to observe an insufficient provision of health care and education services and a lack of support for productive projects for indigenous and Afro-Colombian communities in the country. Regarding the protection of environmental rights, the shortage of controls to prevent indiscriminate deforestation in areas inhabited by indigenous and black communities, and the effects that the spraying of illegal crops is having upon the health of these communities, are of particular concern. The Office received complaints from the indigenous communities of Sierra Nevada de Santa Marta and Putumayo and from the Afro-Colombian communities of Chocó.

74. Concerning the right to health, attention must be drawn to the alarming violence against health professionals and workers, especially ANTHOC (the National Trade Union of the Health Sector Workers of Colombia) and the many attacks on medical missions in Colombia. Further details are provided in chapter VI. On 17 May 2000 Carmen Emilia Rivas, the President of ANTHOC's Regional Office in Cartago (Valle del Cauca), was killed in the doorway of the Emergency Service at the Sacred Heart of Jesus Hospital in Cartago.

75. While the implementation of Act 100 (1993) reforming and regulating the health-care system has brought some progress in the provision of social security services, coverage is not yet universal. The system favours higher income brackets in providing access to health care. According to a report on coverage indicators prepared by the Health Services Superintendency, 6 million of the poorest people in Colombia are not covered by the subsidised health system. Significant gaps can also be found between municipalities, Departments and regions. As noted in a study carried out by the Office of the People's Advocate, beneficiaries are often unaware of their rights, which are thus the more easily violated.

C. Rights of the child

76. During the period covered by this report, respect for the rights of children continued to decline. More than any other sector of the population, Colombian children have suffered from the internal armed conflict. The Office can attest to the large number of juvenile victims, including girls who have been raped by combatants. It notes the large numbers of kidnappings, carried out mainly by insurgent groups, that place children at the centre of a cruel trade. Many crimes are committed against minors outside the bounds of the armed conflict. The growing numbers of complaints about family violence and sexual abuse are also a cause for concern.

77. Statistics released by the Office of the People's Advocate, the Family Welfare Institute (ICBF), Fundación Pais Libre, the National Army and UNICEF all indicate that approximately 1 million children live on the streets, 6,000 belong to armed groups (either paramilitary or guerrilla) and 600 met with violent deaths. According to the special police anti-kidnappings unit (Gaula), over 267 children were kidnapped between January and November 2000. It is estimated that 12 Colombian children die in violent circumstances every 24 hours.

78. These practices have irreversible effects on the future development of their victims, which are the more pronounced when the victims belong to ethnic minorities, come from rural areas or are internally displaced. The Advisory Office for Human Rights and Displacement (CODHES) reported that between January and June, minors accounted for 54.34 per cent of the internally displaced population. The Office can attest that most of them have little chance to exercise their rights to health, food, education, housing, identity before the law and so forth. It has again observed how social cleansing by members of the security forces continues to affect minors. The case mentioned in chapter IV, section A.1, is illustrative of this problem.

79. Lastly, it should be pointed out that comprehensive care for children who have previously taken part in hostilities is still unavailable. Minors who surrender and those who are captured are treated differently: while those who surrender may benefit under State welfare programmes, those who are captured face criminal penalties.

80. The Office is concerned that juvenile offenders who have been arrested by the National Police are detained at police stations in cells shared with adult detainees, and remain there instead of being handed over promptly to the competent authorities. This practice contravenes national and international norms and standards. Such situations are exacerbated by provisions in the Juvenile Code which do not distinguish between different kinds of behaviour and allow juveniles who lack economic resources, have withdrawn from hostilities or have no relatives or family to be deprived of their liberty. This makes a crime of poverty and neglect and impinges on the rights of the children concerned.

D. Rights of women

81. According to the Human Development Report for Colombia for 2000, women, who make up 51 per cent of the population, suffer a significantly greater proportion of the effects

of violence. Their continuing inequality is manifested in discrimination, social exclusion, disempowerment and chronic social disadvantage in almost every situation they encounter.

82. The Human Development Report points out that discrimination against women also takes the form of family violence - of which they are the main victims - the denial of reproductive rights, frequent sexual aggression and trafficking. In the international trafficking of women, Colombia ranks among the highest in the world. It is estimated that between 60 per cent and 70 per cent of women have suffered some form of violence (physical, psychological, sexual or political abuse). Less than half of those who have been mistreated seek assistance, however, and barely 9 per cent report aggression.

83. In the workplace, although female employment has increased substantially, pay for equal work continues to be markedly less generous and access to political power is limited. On average, women are paid 30 per cent less than men in urban centres. According to the sixth report of the Office of the People's Advocate, women account for 54 per cent of the population living in poverty and 25 per cent of households are headed by women. Likewise, they work in the most traditional jobs and account for 60 per cent of the informal sector of the economy, with long hours, no job stability and no social security coverage. Women also still tend to be at the medium to low level of occupational categories.

84. Since the justice system has little credibility amongst women, they turn to other institutions for protection of their rights. According to the Mission Social-UNDP report, in a sample of 38 claimants for guardianship, 25 had previously applied to other institutional mechanisms. In labour disputes more women are found to receive unfavourable rulings, while conversely male claimants win more favourable judgements.

85. Women carry the heaviest burden stemming from displacement due to the armed conflict, since they necessarily assume the role of head of household and breadwinner. Several cases of sexual violence against women by armed individuals have been reported. In February 2000 during a paramilitary raid on El Salado, several women were sexually assaulted, among them a young girl who was raped by numerous paramilitaries.

E. Main breaches of international humanitarian law

1. Murders and threats

86. Killings of people accused of collaborating with either side continued to be a common practice amongst the guerrillas and the paramilitary groups. Crossing the territorial boundaries between zones controlled by the guerrillas and the paramilitaries has become a highly dangerous exercise. Some inhabitants of the pull-back zone under FARC control were killed while travelling to neighbouring municipalities where there was a paramilitary presence. In the Department of Putumayo, people travelling from the countryside to Puerto Asis were killed by paramilitaries whilst people travelling from the towns to the country were killed by guerrillas.

87. Amongst the victims of the guerrillas and paramilitary groups are a large number of candidates for public office and elected officials, indigenous leaders and peasant leaders. Several of these were killed for taking independent positions vis-à-vis the armed factions.

In some cases involving the guerrillas, the victims were killed for accepting money from the Government. For example, in October two indigenous leaders were killed by the FARC in the Department of Caqueta simply because they had received resources from the Government's "Empresa Colombia" project. On 9 February, three Puinaves from Paujil Limonar were killed by the FARC who accused them of tipping off the Army about a likely guerrilla attack on Puerto Inírida (Guainía). On 23 December a group of armed men killed congressman Diego Turbay, the chairman of the House of Representatives Peace Committee, his mother Ines Cote de Turbay and five companions as they were travelling to the village of Pueblo Rico (Caquatá) on the edge of the demilitarized zone. The authorities blamed a FARC front; as of the time of writing, the FARC had not denied the charge. In their military raids, AUC paramilitaries have selected and murdered locals, accusing them of being guerrilla collaborators, and family members have often been forbidden to recover their bodies.

88. Paramilitary groups continue to be the main perpetrators of collective killings. The Ministry of Defence reports that they are responsible for 75 massacres,[11] these representing 76 per cent of all the massacres committed between January and October. Collective killings of defenceless civilians are the paramilitaries' principal modus operandi and military strategy.

89. As the fighting has grown steadily worse, the FARC and ELN guerrillas have often resorted to collective killings or massacres. Between January and October 2000, according to Ministry of Defence figures, 164 of the 671 recorded victims of massacres died at the hands of the guerrillas. Of particular note were the massacre on 8 October in Ortega (Cauca), in which the FARC killed 10 peasants, and the August massacre by the Fourteenth Front of the FARC in Caqueta, during which 8 people lost their lives.

90. In attacks against police posts or military garrisons, the guerrillas have killed members of the security forces who were wounded or had laid down their arms. According to the official account, in Dabeiba, on 18 October, the FARC killed five soldiers and the pilot of a Black Hawk helicopter who had been injured after being shot down.

91. The armed groups continued threatening civilians in order to drive them away and tighten their control over the population. For example, on 12 December, the Autodefensas Campesinas del Valle del Magdalena Medio (Peasant Self-Defence Group of the Middle Magdalena River Valley) told the inhabitants of several municipalities along the Medellín-Bogotá highway to leave their homes within 48 hours, threatening that those who did not obey this "order" would be subject to "drastic measures". Threats have also been used to pressure people into paying "dues" to a variety of armed groups.

2. Attacks on the civilian population and indiscriminate attacks

92. Civilians are often the principal targets or incidental victims of indiscriminate armed attacks by the various groups. In collective killings, the paramilitaries have targeted the civilian population specifically. The guerrillas have retaliated against civilians for putting up resistance to their operations.

93. In a raid carried out on 3 November by members of the AUC in the inner city of Granada (Antioquia), 19 defenceless civilians were killed.

94. In their attacks on police stations and military garrisons, the guerrillas usually ignore the principle of proportionality and the distinction between civilians and combatants, causing many casualities among the civilian population. Hard-to-aim weapons such as gas cylinders have landed on homes, killing civilians. In an armed raid on Puerto Saldaña (Tolima) on 28 April, the FARC killed 24 civilians and completely destroyed 107 houses. Another 145 houses were partially destroyed. On 12 July, during a FARC attack on Colombia (Huila), a gas cylinder struck a house, killing a mother and her three children. On 5 and 6 December, several fronts of the FARC attacked the police station in the town centre, letting off a powerful car bomb and launching dozens of gas capsules. Sixteen civilians, including 6 children, and 5 policemen died as a result.

95. In other cases, such as the Ortega (Cauca) massacre mentioned above, the civilian population has actually been the primary target. On 7 May, the FARC blew up a public bus, killing six people and wounding seven others in the municipality of Gigante (Huila).

96. During a hostage-taking operation at Kilometer 18 on the Cali-Buenaventura highway, the ELN put the lives of several hostages at serious risk by dressing them in camouflage fatigues and using them as human shields. This is a breach of the international humanitarian law requirement that combatants must differentiate themselves from the civilian population.

97. As regards the security forces, mention should be made of the incident in Pueblo Rica (Antioquia) on 15 August when a military patrol opened fire on a group of children, killing six (see chapters V.1 and VII.4).

3. Terrorist acts

98. Terrorist acts by different guerrilla groups increased throughout the year, with bombings in urban centres that caused many civilian casualties. One telling case occurred in Cali (Valle), a city which has been bombed many times during the year. A car bomb that exploded on 5 November in the La Floresta district caused destruction and panic, wounding several people and leaving at least one passer-by dead. These attacks were attributed to the ELN, which has also been held responsible for the 27 July explosion of three bombs in Barrancabermeja (Santander) that damaged several businesses. On 4 September, the ELN conducted another bombing attack on the Tax and Customs Administration, injuring seven and causing considerable damage to at least 60 businesses in the neighbouring area. On 4 February, in a similar case, the FARC killed 2 civilians and injured another 10, including a minor, when it set off an explosion in the city centre of Puerto Asis (Putumayo).

4. Torture and ill-treatment

99. The victims of paramilitary killings have often been tortured, raped or mutilated before being killed. The treatment of the victims in the El Salado (Bolivar) massacre, committed by the AUC in February, was particularly cruel and inhumane. According to reports, the paramilitaries assembled people on the local soccer field and tortured their victims before killing them.

Autopsy reports indicated that the victims had been mutilated, stabbed and had their skulls smashed. Among those massacred was a six-year old girl, who was tied to a tree, her face covered with a plastic bag, until she died.

100. The guerrillas also tortured deserters or individuals suspected of collaboration with the paramilitaries before killing them. In May, in the municipality of Mapiripan (Meta) a FARC commander killed an indigenous Guahibo guerrilla who had tried to desert with two rifles. The victim was tied to a tree and tortured with a pocket-knife while being told that that was how those who betrayed the revolution were punished. The Office has been told by the army of several cases in which soldiers were mutilated by the guerrillas before being put to death.

5. Hostage-taking

101. Kidnappings by parties to an armed conflict are defined under international humanitarian law as "hostage-taking". The various guerrilla groups continued to take hostages on a massive and systematic scale as a means of financing their activities. They normally acted alone, but on several occasions they worked with criminal groups which contracted to plan and carry out the kidnappings, handing over the hostages against previously agreed payments.

102. Hostage-taking affected all social sectors and included peasants, mayors, foreigners, journalists, humanitarian workers and judicial officials among its victims. On 25 July, a group known as the Guevara Revolutionary Army (Ejercito Revolucionario Guevarista) (ERG) abducted Ignacio Torquemada, a French physician working for Médecins sans Frontières. At the time of writing, Torquemada had not been released. Local elected officials such as the mayor of Puerto Rico (Caqueta) were abducted by the FARC who, in an attempt to justify their action, argued that that they were enforcing the FARC-proclaimed "anti-corruption law" ("Act No. 003").

103. According to Ministry of Defence figures, between January and October 2000 the guerrillas were responsible for 1,394 cases of hostage-taking, the paramilitaries for 203. The Fundación País Libre reports that between January and September 2000, a total of 1,508 hostages were taken by guerrillas in 61 per cent of the abductions that occurred in Colombia, while paramilitary groups abducted 167 people over the same period.

104. Minors were among the main victims. The FARC abducted 3-year-old Andrés Felipe Navas Suárez and 5-year-old Clara Olivia Pantoja, removing both to the demilitarized zone from Bogotá. On 1 March, the ELN took four students, three of them minors, hostage in a district of southern Cali.

105. In 2000, the ELN again resorted to collective hostage-taking, as was the case when they abducted 60 people at Kilometer 18 on the Cali-Buenaventura highway. In addition, some of the hostages of ELN-executed operations in 1999, including passengers from the Avianca hijacking, remained in captivity in 2000, more than a year after their abduction.

106. Lengthy captivity and the hardships they faced exacerbated hostages' physical and mental health. According to figures from Fundación País Libre, 165 hostages died in captivity. Three of these were abducted during the ELN Kilometer 18 operation mentioned above.

107. The paramilitary groups, particularly the AUC, also took hostages, sometimes with political motives as when seven members of Congress were captured in November.

6. Children as the victims of the armed conflict and recruitment

108. Children continued to be amongst the main victims of the armed conflict, particularly of home-made landmines planted by the guerrillas. On 10 July, five children found and began playing with an explosive device that had apparently been abandoned by the FARC in San Carlos (Antioquia). The device exploded, killing three and seriously wounding the remaining two.

109. The Office has received reports of sexual abuse of girls serving in the ranks of the guerrillas, generally by middle-ranking officers. It also received complaints that the different guerrilla groups were continuing to recruit children under 15 years of age. The FARC persisted in this practice, in violation of their own internal rules and in spite of the fact that they returned some children to their families in the demilitarized zone. There was an increase in children abandoning the ranks of the guerrillas at great peril to their lives, since the punishment for "deserters" of any age is death by shooting. There are many children in the guerrilla ranks.

110. The paramilitary groups also resorted to forced recruitment. In May, the Autodefensas Unidas del Sur del Casanare circulated leaflets in the rural area of Monterrey (Casanare) calling up young people living in the region for "compulsory military service". In October, paramilitaries took away several youths in Puerto Gaitán (Meta) by force for military training.

7. Forced displacement

111. Collective or individual forced displacement of civilians continued to be one of the most common breaches to international humanitarian law committed by the various illegal armed groups. Individual threats were the easiest method used by both the paramilitaries and the guerrillas to prompt people to move. Mass exodus was one of the main strategies used by paramilitary groups, which sowed terror during their armed raids and collective killings.

112. The issue of displacement is more thoroughly discussed in chapter VI.

8. Violations of the protection of medical workers and attacks on medical units and transport

113. The year 2000 saw a number of breaches of the international humanitarian legal standards protecting medical units. In Uraba, the AUC killed a wounded female guerrilla fighter who was being transported in a vehicle of the International Committee of the Red Cross. In Putumayo, a wounded paramilitary was killed by the FARC under similar circumstances. These incidents led ICRC to declare a temporary suspension of evacuations of the wounded and sick.

114. Serious attacks were made upon the lives of health officials. Medical personnel affiliated with the ANTHOC trade union were constantly threatened by paramilitary groups, in the Departments of Valle del Cauca and Norte de Santander especially (see chapter VII.7).

115. The armed factions have occasionally taken control of health facilities or hospitals and stopped health-care services being provided to sectors of the population. The paramilitaries maintain a presence at the hospital in Puerto Asis (Putumayo) and occasionally mount checks at the entrance, preventing medical services from being given to people living in the rural areas under the influence of the guerrillas.

116. During the "armed strike" decreed by the FARC in Putumayo in September, the guerrillas restricted the circulation of ambulances. Three ambulances were stopped on the highway which connects Santiago (Putumayo) with Pasto (Nariño). Drug deliveries to hospitals were severely limited during this period. Health workers have been ill-treated and imprisoned in Guaviare where the FARC restrict their movement and accuse them of acting as informants for the paramilitaries. On 7 January members of the ELN placed two bombs at the entrance of the La Esmeralda hospital in Arauquita (Arauca), depriving the population of medical attention that day.

117. Incidents in which members of the armed forces have impeded the passage of ambulances have also been documented. An example of this occurred on 8 March in Cedeño (Norte de Santander) when a health brigade travelling to an indigenous U'wa community to provide the sick with medical attention was detained for two hours, then forced to turn around and go back, by members of the National Police and the Army.

9. Attacks on civilian property

118. Indiscriminate guerrilla attacks have caused significant damage to civilian property, destroying many homes, as in the cases of Saldaña (Tolima) and Granada (Antioquia), where dozens of buildings were destroyed. The town of Alpujarra (Tolima) was attacked six times in 18 months. Other examples include the cases of Colombia (Huila) on 12 July, Arboleda (Caldas) on 29 July, San Alfonso (Huila) on 12 December, Vigía del Fuerte (Antioquia) on 25 March, Bagadó on 20 October and Carmen del Atrato (Chocó) on 5 and 6 May.

119. On occasion, the different armed groups resorted to blocking deliveries of foodstuffs to different zones. The case that caused the most serious repercussions was the "armed strike" decreed by FARC in the Department of Putumayo. For a period of two months the guerrillas prohibited the transport of all goods within the department, including food and medicines. This resulted in serious shortages and a food emergency. The civilian population was the principal victim of this act by the FARC.

VI. SITUATIONS OF SPECIAL CONCERN

1. Developments in the armed conflict and peace negotiations

120. The grave lack of regard for human rights and international humanitarian law in Colombia extends beyond the confines of the internal armed conflict. This report must, however, examine developments in the conflict since the mandate of the Office requires it, and the subject is germane to the full enjoyment and exercise of basic rights in Colombia. The

Office continued to observe systematic breaches of international humanitarian law by all parties to the conflict. Standards of conduct in the fighting have sunk very low, and calls on all concerned to abide by the tenets of international humanitarian law, avoiding harm to the civilian population and damage to the environment, go unheeded or are rejected. Things have reached the point where not only is the civilian population disregarded but even the minimum humanitarian rules applying to actual combatants are flouted (see chapter VI).

121. The paramilitaries claim to be a counter-insurgency force. In practice they almost exclusively attack defenceless civilians in operations of deliberate and surprising cruelty involving large deployments of armed men for purely punitive ends. A detailed discussion appears below.

122. FARC operations have harried small towns by attacking police posts with greatly superior numbers and firepower, using gas cylinders as rockets. These are very inaccurate and highly destructive, constantly killing civilians not involved in the fighting and causing considerable material losses. FARC's repeated hostage-taking and ransom demands have gone unpunished.

123. The civilian population has not escaped the direct impact of the fighting in ELN operations, either. Collective hostage-taking, which the ELN practises openly, in particular as a means of putting political pressure on the Government to make progress in the peace negotiations, has been denounced by the victims' families as extortion. This was shown this year when, after 19 months in captivity, the last hostages taken in April 1999 aboard the Avianca flight serving the route from Bucaramanga to Bogotá were released. Attacks continued to be made on power transmission lines, affecting the transmission grid across the country, and on oil pipelines, causing oil spills.

124. All involved in the internal armed conflict, including the security forces, have at one point or another restricted deliveries of food and other supplies as a means of crippling the opposing forces, but it is the civilian population that is the worst affected by these measures.

125. During the period covered by this report, the Government again seized the initiative and held peace talks with the ELN, seeking to bring about the "National Convention" that this group desires. Various foreign Governments and national political and social leaders have given this effort their active backing. Cuba, Spain, France, Norway and Switzerland formed a "Group of Friends" to further the talks between the Government and the ELN. The parties agreed to set up a "co-existence zone" where the talks could take place in three municipalities in the Departments of Antioquia and Bolívar. They reached prior accords on important measures such as international verification and the presence of judicial authorities in the zone. An active paramilitary presence in the region, and social unrest spearheaded by local political and civic groups opposed to the initiative, hindered progress. As a result of the talks the ELN freed 42 soldiers and policemen it had been holding captive in Convención (Norte de Santander) on 24 December.

126. On the other hand, two years since talks between the Government and the FARC started, the outcome is mixed since the talks continue amidst armed confrontation. For the talks to take

place a "demilitarized zone" (zona de distensión) was set up, covering 42,000 square kilometres in five municipalities of the Departments of Meta and Caquetá from which the security forces were withdrawn. As this report was completed, the Government gave its approval for the demilitarized area to remain in effect until 31 January 2001. The parties have stated that the zone has helped to build confidence between them. Government and FARC delegates made an official trip to several European countries at the beginning of the year. The parties have announced that they have begun to discuss an agenda. There was a further opening when a Governmental negotiating delegation joined the proceedings. There have been open exchanges with civil society, through "public hearings" in the demilitarized area. The process did, however, face several crises during the year, resulting in the talks being frozen on several occasions. Public opinion, discouraged at the lack of progress and concrete agreements between the parties and the escalation and deterioration of the armed confrontation with its high human costs, has brought the process to a crisis point. Some already question the validity of extending the "demilitarized zone".

127. A notable feature of the demilitarized zone is the absence of State control and investigation mechanisms. The Public Prosecutor's Offices in San Vicente del Caguan and Mesetas, closed the previous year, have not been reopened. As indicated last year, the FARC have become the de facto authority. Though there are some Prosecutor's Offices in nearby municipalities the inhabitants of the demilitarized zone do not seek their assistance because of threats from the paramilitary groups in those areas. The Office of the People's Advocate has been able to continue working with international financial backing. The FARC have been unreceptive to approaches from that Office concerning breaches of international humanitarian law. The State thus continues to play a limited role in the zone.

128. The Office has not observed any substantial changes in FARC conduct in the demilitarized zone. The most serious events, covered specifically elsewhere in this report, include the taking of hostages, children among them, who are held captive in the zone and whose ransoms are negotiated from there; killings of people accused of collaborating with the paramilitaries; and recruitment of minors. The FARC have made some positive gestures, such as restoring some children aged under 15 to their families and allowing members of the evangelical community to return.[12] These, however, were the exception, and conduct varied from one front to the other depending on the local commander. In the municipality of Vistahermosa, for example, insurgent pressure on the inhabitants and control over the administration increased to the extent that demands were made for Governmental officials, including the town's spokesman, to resign. It must be remembered that the guerrillas killed the Mayor of Vistahermosa in Villavicencio in 1999.

129. During the year 2000, the Office travelled to the "demilitarized zone" on several occasions and brought up with the FARC leadership the subjects of deepest concern to it, in particular the nation-wide lack of respect for international humanitarian law and specific concerns to do with the zone. The leadership accepted the charges against the FARC in the demilitarized zone even though they sought to justify them. The Minister of the Interior, in a hearing called on 7 December 2000 by the Constitutional Court to review the legal nature of the demilitarized zone, maintained that the Government had no proof that breaches or crimes attributable to the FARC had been committed there.

2. Spread of paramilitarism

130. As related by the High Commissioner in previous reports, the Government accepts that the paramilitaries are "a serious threat to national institutions" and are "responsible for a large part of the increase in human rights violations". It adds that they are "one of the factors that have done most to aggravate the armed confrontation", since their principal modus operandi is "to use terror against the general public ... in the form of selective killings or indiscriminate massacre, with the aim of causing massive [population] displacement ...".[13]

131. According to the Government, the origins of the paramilitary phenomenon and the reason for its current extent lie in the connections between criminal drug-trafficking groups and social, economic and political support networks in specific local and regional settings. The Office has observed and pointed out that, historically, State policies and legislation have also played an undeniable role in the growth of paramilitarism to its current magnitude. The public servants who have been involved with paramilitary groups in recent years also clearly bear some individual responsibility, and for years the military has been actively committed to including armed civilians in the fight against the insurgents.

132. When one looks at how effective action by the State against the paramilitaries has been, the results presented by the Government are at variance with the accelerated expansion and presence of paramilitary groups in at least 409 municipalities (40 per cent of the country). The Ministry of Defence acknowledges that there are over 8,000 paramilitaries today - an 81 per cent increase over the past two years.

133. During the period covered by this report, the Office has seen for itself the alarming consolidation and spread of the paramilitaries and their growing operational capacity. One need only mention the Pacífico, Farallones and Paéz fronts that operate mainly in Buenaventura and Jamundí (Valle) and the municipality of Buenos Aires (Cauca). The AUC are known to have expanded their influence and presence from the lower reaches of the Atrato River to the highlands in the Department of Chocó, plunging Turbo, Apartadó y Quibdó - even the urban areas - into anxiety. Paramilitary hegemony over various social sectors in the Department of Córdoba is growing: the pressure is most evident in politics and academia. In Catatumbo (Norte de Santander) the paramilitaries already control the municipality of Tibu.

134. In its constant visits to rural areas the Office kept being told of and witnessing many signs of negligent attitudes and persistent close ties between some members of the security forces and paramilitary groups. The sad news that members of the military discharged this year (see chapter VII.A) joined the paramilitary ranks only a few days after leaving active service is another matter that merits deep reflection. The impact of the Office's observations can be assessed from the substance and timeliness of the information it has provided to the Government. For example, it is common knowledge that a paramilitary roadblock stands at the entrance to the settlement of "El Placer", only 15 minutes away from La Hormiga (Putumayo) where a XXIV Brigade army battalion is stationed. Eight months after the Office reported to the authorities that it had seen it, the roadblock was still there. The military authorities denied its existence in writing. This Office also observed that paramilitaries were still operating at the Villa Sandra estate between Puerto Asis and Santa Ana in the same department, a few minutes away from the Brigade XXIV base. It was later informed that two raids had been made by the

security forces, apparently without result; yet the existence and maintenance of this position are public knowledge - so much so that it has been visited repeatedly by international journalists who have published interviews with the paramilitary commander. Reports received by the Office even speak of meetings between paramilitaries and members of the security forces at the Villa Sandra estate. In late July, the Office warned the authorities of an imminent paramilitary raid on the inner city area of "La Dorada", municipality of San Miguel (Putumayo), which indeed took place on 21 September. The paramilitaries remained in the area for several weeks despite the fact that it is only a few minutes away from the army's "La Hormiga" base.

135. As long ago as 24 March the Office told the authorities of a paramilitary base on "La Iberia" farm, municipality of Tuluá (Valle del Cauca); by the time this report was completed, however, it had not been notified of any action taken in response. In "El Guamo", in the Montes de María (Bolívar) region, there is a paramilitary base whose location has even been acknowledged to this Office by the Brigade 1 authorities in Sicelejo (Sucre). Apparently, it was from this base that the Ovejas and El Saldo massacres were ordered. In San Blas (Bolívar), there is another paramilitary base that controls access to Santa Rosa and Simití. In May, the Office informed the authorities of another paramilitary base in "El Jordán", municipality of San Carlos (Antioquia). Counter-guerrilla Battalions No. 14, "Granaderos", and No. 42, "Héroes de Barbacoas", are stationed 20 minutes away. The paramilitaries have remained at all the sites observed all year, committing killings and massacres in the towns and countryside nearby.

136. Paramilitary operations against the civilian population have been stepped up in intensity and frequency; far from diminishing, they have increased; but they have not encountered any governmental action aimed at stopping them. By contrast with the large military offensives against the guerrillas, deploying huge human and logistic resources in campaigns that last for weeks, the results of the Government's anti-paramilitary policy and Decree 324 (2000) are patchy. Generally, attacks on paramilitaries follow a pattern of minor skirmishes, sporadic search operations and individual arrests (in many cases, thanks to efforts by the Office of the Public Prosecutor). The strategic impact of these actions in the struggle against the paramilitaries is questionable. Since the Minister of Defence was designated to lead the Centre coordinating the campaign against the self-defence and other illegal groups that was established under Decree 324, the Office, as mentioned above, has supplied information on the location of paramilitary bases and the movements of the different blocs. It has generally received unsatisfactory, pro forma responses giving no information on what the authorities have done. It is relevant to mention that in the paramilitary massacres at Unión (Antioquia) on 8 July and Ciénaga Grande de Santa Marta (Magdalena) on 22 November, the security forces were decried for their negligent attitude. The Office has received reports that members of the military were directly involved in the massacres at the Peace Communities of San José de Apartadó (Antioquia) on 19 February and El Salado/Ovejas (Bolivar/Sucre) on 16-19 February.

137. Carlos Castaño Gil, the main paramilitary leader in the country, has gained public visibility in the national and international media with disconcerting ease this year. Castaño, who has said that his life of fighting insurgents began with training given at the "Battalón Bomboná" (Army Infantry Battalion No. 42) base in the 1980s, admits that 70 per cent of the money to finance his activities comes from drug trafficking, and appears to want the Government to regard the paramilitaries as an independent armed faction in the negotiating process.

3. Growing population displacement

138. The escalation, expansion and deterioration of the armed conflict during 2000 exacerbated the problem of internal displacement. The armed factions have continued to intensify their operations throughout the country, and displacement is still a fighting strategy in the struggle for control. At present, nearly every department in the country is affected.

139. CODHES reports a figure of over 308,000 displaced persons between January and November 2000. The highest number was registered during the third quarter of the year, with 93,216 internally displaced. According to CODHES these figures represent an alarming increase to nearly the total recorded in 1998, the worst year on record, not including the December figures. The problem is not limited to those newly displaced in 2000: most of those displaced in previous years have not yet found a way out of their situation and are still unemployed, short of food, homeless and in utter want. The steady increase in the numbers of those displaced is gradually making the problem more serious. This is a national humanitarian emergency that may extend to neighbouring countries.

140. Death threats, massacres and roadblocks unquestionably influence forced displacements. CODHES points out that the 53 massacres - in which 285 lost their lives - that occurred when the flood of displaced people was at its highest were directly related to people's abandonment of their homes.

141. CODHES reports that the paramilitaries continued to be chiefly responsible for forced displacements over the first six months of 2000, accounting for 49 per cent of the total, followed by the guerrillas with 28 per cent and the military forces with 5 per cent. Displacements caused by parties unknown increased markedly over the year, to 16 per cent; this suggests that the armed factions wish to conceal their identity and avoid admitting responsibility for the violence that is causing displacement. The Ministry of Defence has not made public the total number of displacements recorded during this year, but according to figures it has released 71 per cent of the displacements are thought to have been brought about by paramilitary groups, 14 per cent by guerrillas, 15 per cent by guerrilla and paramilitary operations and 0.04 per cent by armed agents of the State.

142. The departments most seriously affected by displacement, whether inward or outward, are still Antioquia, Bolívar, Valle del Cauca, Atlántico, Magdalena and the city of Bogotá. This year the phenomenon has grown in the Departments of Putumayo, Nariño, Meta, Tolima y Huila. Besides the influence of human rights violations and breaches of international humanitarian law, the fact that displacements have gone unpunished, combined with the State's failure to take any preventive action, means that people move as a precaution when faced with orders, threats or the mere presence of armed factions. The Office has given warning of direct threats of forced displacement or growing insecurity in areas of inward and outward flow, asking the Government for prompt action to counter them. No satisfactory response, however, has been obtained from the Government.

143. As regards care for the displaced population, it must be said that the Social Solidarity Network, the agency responsible, has branches in every department but is not sufficiently

decentralized. The regional branches do not have the authority to take their own decisions or manage their own resources, all of which is done in Bogotá. Care has focused mainly on humanitarian emergency assistance which is still largely handled by the international community, particularly the International Committee of the Red Cross which, between January and October, provided assistance to 106,981 individuals and 22,564 families.

144. Registration of the displaced population has increased in scope. Nonetheless, under-registration continues to make it impossible to estimate the extent of displacement in Colombia. The lack of flexibility and the highly bureaucratic procedures make people view registration more as an obstacle to obtaining benefits than as the way to gain access to them. This means that the State is still unaware of the true extent of displacement, which in turn affects the efficacy of its responses and priorities.

145. The displaced are not receiving due protection and security guarantees from the State. In many areas of inward flow, the Office has registered threats and attacks on members of the displaced population, particularly their leaders. In this sense, the shrinkage of the humanitarian spaces in several regions is extremely alarming. The Government still has not created an adequate programme to care for displaced people at risk, nor has it taken any measures to overcome the discrimination and stigmatization that the displaced have to face. Mention must be made of the Cacarica case in which three displaced individuals were killed in Turbo in March 2000 by people thought to be paramilitaries. In September 2000 a group of displaced people who had settled Tuluá (Valle) were threatened by paramilitaries who told them to go back home. The Government's reaction was to set up a high-level commission that has not yet been able to arrive at a final answer for the individuals concerned, many of whom felt constrained to submit to the paramilitaries' will.

146. The Office continues to note with concern that there is still no appropriate legal mechanism for the return or resettlement of the displaced population. During this year, many of the groups of displaced people that have gone home have done so on the basis of fragile agreements with illegal armed groups, without the State shouldering its responsibility to protect and care for them. No progress has been made on lasting urban or rural solutions. For these reasons it cannot be said that the population is resettling under secure and sustainable conditions.

147. Given the urgency of a rounded and coordinated response from the State, it must be pointed out that the National Council on Comprehensive Care for the Displaced Population has yet to be appointed and commence work. The same must be said of the system to monitor violence-related internal displacement and the early warning system called for under Act 387.

148. In September, the Constitutional Court issued a judgement describing population displacement as a "grave social emergency" and set deadlines for the implementation of Act 387. It also asked the President to guide national policy on the subject, and the Government to earmark enough resources to deal with the emergency (see chapter VII.A). The problem is generally more one of giving effect to established rules and mechanisms than that the rules and mechanisms themselves do not exist.

4. Administration of justice and impunity

149. The administration of justice in Colombia shows numerous weaknesses and shortcomings that largely explain why crimes go unpunished. Besides the weakness of State institutions, the judiciary suffers from functional and structural defects and budgetary constraints.

150. Not all judicial employees are career professionals, particularly in the Attorney-General's Office, where officials can be hired and fired at will. Thus the legal security and stability they need to perform their duties are not guaranteed. Considering the security problems and the lack of public confidence in the independence and efficacy of the justice system, it is worrisome that investigations are excessively reliant on reports and statements by victims and witnesses who are, for the reasons stated, reluctant to make them. This reduces the possibility of a successful outcome.

151. Over the current period, the Office of the Attorney-General's witness protection programme for judicial employees, victims, witnesses and others involved in criminal proceedings has proved incapable of responding to the true dimensions of the problem appropriately and in good time. It has not been given enough resources by the Government. On the other hand, the Attorney-General's Office does not seem to have explored the various strategies that might strengthen the programme regardless of the available resources. The Office finds that there is an absence of clear criteria and analysis consistent with the urgency and priority status of the decisions taken under the programme.

152. The Human Rights Unit of the Office of the Attorney-General is supposed to be a specialized body for investigating the most salient human rights cases and releasing local officials from the onus of conducting an in situ investigation given the threats and problems they would face. However, the Office has heard of cases before the Unit that do not bear any relation to the subject. This undermines the Unit's efficiency and causes a build-up of proceedings that hinders resolution of the cases the Unit was created to deal with. On the other hand, some very important human rights cases have remained outside the Unit's jurisdiction: for instance, the Pueblo Rico case. This shows that the criteria used in the Attorney-General's Office to select cases are insufficiently clear and coherent to enable the Unit to function at its full potential, and that clear and objective rules are needed to curb the excessive discretion currently wielded by the National Directorate of Offices of Regional Attorneys.

153. During the year shortlists of candidates for appointment as magistrates to the higher courts were drawn up. The Office has followed with concern reports that "the justice system is being politicized" since that would impede access to the courts by people not susceptible to lobbying or lacking political ties to the traditional parties. In addition, the Controller-General of the Republic has released highly critical reports on the way public resources are managed within judicial bodies.

154. A matter of deep concern to the Office has been the lack of security for judicial officials as they go about their duties. Up to 15 September, the Solidarity Fund for Victims in the Judiciary had on record at least 9 officials, including judges, prosecutors and judiciary technicians, who had been exiled. It also reported a total of 11 deaths, 11 disappearances, 21 people who had been threatened and 3 who had survived attacks. Most of the victims

were investigators in the Technical Unit of the Office of the Attorney-General, which reports that as on 12 December, 16 of its members had been killed and 11 kidnapped; of the latter, 3 had been released. It is worth noting that the witness protection programme does not cover judicial employees even though its terms of reference require it to, and the Higher Judiciary Council has also not made an issue of this problem.

155. One nagging aspect of impunity continues to be the investigation of violations of human rights and international humanitarian law under the military criminal justice system. Regrettably, although the new Military Criminal Code and constitutional rulings on the matter have come into effect (see chapters V.A and VIII.B and C), cases of serious human rights violations and breaches of international humanitarian law are still before the military courts. The cases of Santo Domingo and Pueblo Rico, in which members of the military are under investigation for killings of civilians, are two examples: both have been referred to the jurisdiction of the military courts during the year. Others, such as the massacre in Mapiripán, remain under the military courts' jurisdiction. In the former case, the Office fears for the success of the investigation given repeated public statements by the security forces that the incidents were the result of a car-bomb placed by the guerrillas. What is paradoxical is that while fears of impunity circulate, the human rights defenders who report them face prosecution for defamation and are being investigated by the Office of the Attorney-General pursuant to a complaint lodged by the Commander in Chief of the Air Force.

156. During the period covered by this report the Committee established by Decree 2.429 (1998) under the chairmanship of the Vice-President to press for investigations into human rights violations and breaches of international humanitarian law met only twice. The working group responsible for drafting the Committee's agenda met three times.

157. Since July the Committee has held no further meetings. Given this background, it is very difficult to concede such little progress as may have been made on the cases that it has actually taken up.

158. In cases where the Procurator-General's Office was, as the prosecution service, under an obligation to oversee and demand respect for judicial safeguards, the Office has received reports that its actions were deficient, particularly where grave human rights violations and, especially, proceedings before the military criminal justice system were concerned. The latter point is very important since, in such contentious investigations, supervision by the public prosecution service is essential to ensure that due process is respected and avoid impunity.

159. The Office of the People's Advocate has 957 defence counsel on contract to deal with criminal proceedings. It is required by resolution to provide one people's advocate per municipality but actually covers only 85 per cent or so of the country. This notwithstanding, it has to be remembered that the needs and characteristics of each region must also be taken into account in allocating services. There is no proper transparent mechanism for contracting, which is not undertaken on a competitive basis.

160. The problems with restricted access to the justice system in various parts of the country that were described in the previous report persisted during the current year. In some regions the

armed factions have strengthened their presence and control, so that real opportunities for judicial officials to act independently, free of harassment or threats, are extremely limited.

5. The prison situation

161. The Office has observed with concern the grave prison situation. As stated by the Constitutional Court and various reports on the matter, the uncertain conditions inmates face in Colombian jails, police stations and DAS, SIJIN, DIJIN and CTI detention facilities fall a long way short of minimum consistency with human dignity. The Court has handed down a fresh pronouncement (sentence T 847/00) admonishing the competent authorities not to detain any individual at their facilities beyond the 36 hours prescribed by the Colombian Constitution. Despite this decision, the prison authorities continue to refer inmates to police facilities.

162. The Ministry of Justice has drafted a "Comprehensive Plan for the Prison System". The plan gives a brief diagnosis of the system's many shortcomings, which include corruption inside the jails; obsolete, poorly maintained facilities where the inmates are kept; unimplemented security plans; shortcomings in referrals and transfers; severe overcrowding; violence and intolerance inside the jails; and a want of efficient information and systematic arrangements at different detention centres. The progress report on the Plan indicates some advances in cell refurbishment, health, food, training for guards and efforts to counter corruption. Based on reactions by the Office of the People's Advocate and by prison inmates, however, this Office has reason to differ.

163. Overcrowding, struggles amongst the different illegal groups over power and control, the presence of weapons of various sorts and the high degree of corruption inside prisons reveal the lack of State control and the absence of institutional policies to encourage the all-round development of prison inmates. According to the National Prison System Institute (INPEC), 145 inmates had met violent deaths and 426 more had been wounded up to the beginning of September.

164. The incident at the National Model Prison in Bogotá on 27 April 2000 deserves mention. Armed inmates clashed violently, leaving 25 dead, 18 wounded and an undetermined number missing. Weapons, explosives, cartridges, communication devices, AUC insignia and other items were seized. Timely intervention by the security forces would have prevented the cost in lives from becoming so high. This is a clear example of the prison situation described above, which will not improve until the State takes action to root out the structural causes of the present crisis.

165. The objection by the Executive to a bill granting reductions in sentences during the Jubilee, together with the inhumane conditions in which inmates had been living, gave rise to an episode of "civil disobedience": about 6,000 relatives of inmates remained inside several of the country's prisons for over four days. Amongst the inmates' main demands was an immediate meeting of the National Labour Board, a commission to inquire into human rights at Valledupar prison and a debate in Congress on the crisis in the judiciary and the prison system. INPEC, by arrangement with the members of the National Labour Board, decided to call a meeting of the Board in early December.

166. The Controller-General's audit reports on INPEC make disquieting remarks about its financial and administrative management, the awarding of contracts for civil engineering work, and structural deficiencies at several prisons, including Valledupar, which was inaugurated only recently, and Girardot. The Controller-General concludes that INPEC's administrators are not committed to designing, scheduling and carrying out policies and strategies that would enable it to accomplish its mission in full. In similar vein, the Office has learnt of complaints filed by the prison guards' union with the Procurator-General's Office and the People's Advocate over alleged irregularities at INPEC.

167. The new Criminal and Criminal Procedural Codes offer no solution to the current crisis in the prison system (see chapter VII.B). The former increases minimum jail terms and creates new offences punishable by imprisonment; the latter makes provision for a series of offences for which release on parole is not an option and the judicial authorities must order pre-trial detention. According to INPEC, approximately 47 per cent of the prison population are unconvicted detainees. Dilatory proceedings, the absence of an effective right to defence, the routine use of detention and delays in responding to petitions for release are other factors serving to keep the prisons full and stigmatize prisoners, seriously limiting their opportunities for rehabilitation and reabsorption into society.

168. The State has concentrated its efforts on building new jails. This, however, is not the way to combat high crime rates and prison overcrowding. The State must attack the structural causes of crime. It needs to design crime-prevention and social reincorporation programmes, to bring about a culture of peace that reasserts the value of the family, work and respect for others, and to take other steps in pursuit of a comprehensive solution to the problem of crime and, ultimately, prisons.

6. Human rights defenders

169. The year 2000 has seen an alarming increase in threats, harassment and attacks on human rights defenders. The Office learnt of four extra-judicial executions: Jesus Ramiro Zapata of the non-governmental organization Seeds of Freedom (Semillas de Libertad), Elizabeth Cañas Cano of the Association of Relatives of Detainees and Missing Persons (Asociación de Familiares de Detenidos-Desaparecidos, ASFADDES), Antonio Hernández, legal adviser to Unión Patriótica and a member of the Regional Corporation for the Defence of Human Rights (Corporación Regional para la Defensa de los Derechos Humanos, CREDHOS) and Orlando Mocada, spokesman for the Peasants' Association of Cimitarra (Asociación Campesina del Valle Río Cimitarra, ACVC).

170. Three cases of enforced disappearance were reported to the Office. One, Jairo Bedoya, an indigenous activist and former member of Unión Patriótica, went missing on 2 March. On 6 October, Claudia Patricia Monsalve and Angel Quintero Mesa, both members of ASFADDES Medellín, were reported missing. In spite of precautionary measures ordered by the Inter-American Court in favour of ASFADDES, several of its members have been threatened during the year. The Office has had complaints from members of ASFADDES in Bogotá, Popayán, Medellín and Barrancabermeja.

171. Likewise, threats and harassment have forced human rights defenders from several organizations in Barranquilla, Medellín, Barrancabermeja and Bogotá to limit their activities or move to other parts of the country. In Barrancabermeja, over the year, campaigners from the Women's Popular Organization (Organización Feminina Popular, OFP) and the Regional Board for Standing Efforts for Peace (Mesa Regional de Trabajo Permanente por la Paz), and at least 16 members of CREDHOS, have been threatened by the AUC. The seriousness of the phenomenon can be seen in the number of cases dealt with by the so-called Ad Hoc Committee's[14] non-governmental protection programme, which essentially offers "soft protection measures".[15] During 2000, the Committee helped 39 human rights defenders to leave or move to a different part of Colombia, more than twice as many as the previous year.

172. The situation of human rights defenders in the Departments of Antioquia and Córdoba is especially worrisome. In October, five members of the People's Training Institute (Instituto Popular de Capacitación, IPC) were forced to leave Medellín owing to threats from the AUC. In an incident that the authorities have yet to clarify, members of the Technical Investigation Unit of the Office of the Attorney-General entered the ICP offices, claiming that they were there to prevent a kidnapping in flagrante delicto. That same week, the Unit searched the offices of the Corporación Cívica Simón Bolívar. In the case of Córdoba, the Office has witnessed during its visits the extreme tension and fear among the few human rights defenders who have been able to continue working.

173. Another disquieting trend is public officials' continual accusation, defamation and persecution of human rights defenders in breach of Presidential Order No. 07 of September 1999 on the respect that public servants must show for human rights defenders and their work. An illustration of this problem comes in the accusations levelled by members of the armed forces at the non-governmental organization Justicia y Paz for its work with the peace communities of Urabá. It must also be pointed out that the Air Force has filed a legal complaint against the non-governmental organizations Humanidad Vigente and the Joel Sierra Human Rights Committee for publishing a poster designed by children as part of a psychological and social activity to help heal the scars of the Santo Domingo massacre (see section 4 above).

7. Trade unionists

174. Given the situation of human rights defenders and the striking gravity of the situation in which the trade union movement finds itself, the Office has taken a special interest over the year in monitoring respect for and safeguards of trade union freedoms. For this purpose it has been in contact with ILO, the unions, business organizations and the State authorities.

175. The Office has observed that violence has been projected not only against the leaders of the most representative trade unions but also against the grass-roots union movement in different parts of the country. This has weakened the movement, particularly in the provinces, and eroded communications and basic social networks. In one example, paramilitaries in Segovia and Remedios (Antioquia) banned municipal workers from taking part in any human rights-related activities, threatening to turn them into "military targets". Figures supplied by the Inter-Institutional Commission for the Defence, Protection and Promotion of Workers' Rights put the total number of unionists killed in the year 2000 at at least 112. This is a dramatic increase over the preceding two years.

176. Investigations have in most cases not yielded a satisfactory outcome, leaving a serious number of offences unpunished. Of the 92 investigations falling within the mandate of the ILO Director-General's Special Representative for Cooperation with Colombia, only one contained a specific reference implicating members of paramilitary groups in a crime. The Special Representative said he had received disturbing reports that "the police and military did not always contribute to the investigations".[16]

177. Displacements of unionized workers occasioned by threats have also increased dramatically this year. One example was the schoolteachers in Sabana de Torres (Santander) who were forced to leave their jobs after being threatened because of their unionist activities. The problem is compounded by the failure of both the national and the departmental authorities to pay it due attention: they are not quick to issue the permits for threatened individuals to transfer to branches in other towns or regions.

178. The worst-affected unions have been those that represent educational, health, municipal and departmental workers, in particular the National Association of Hospital Workers (Asociación Nacional de Trabajadores Hospitalarios, ANTHOC), the Colombian Education Workers' Federation (Federación Colombiana de Educadores, FECODE) and the Union of Municipal and Departmental Workers (Sindicato de Trabajadores de Empresas Municipales y Departamentales, SINTRAEMSDES). Among the regions most affected by the growing violence against unionists was the Department of Valle del Cauca, where attacks were aimed mainly at SINTRAELECOL workers in the power industry and SINTRAEMCALI public utility workers. It is the Department of Antioquia, however, where violence against workers remains most prevalent. Another city with a high rate of violence is Barrancabermaja (Santander), which has also had the largest number of displaced workers, especially amongst unionists working for the Empresa Colombiana de Petróleos (ECOPETROL) and Gases de Barrancabermeja. It is pertinent to note that the Departments of Valle, Antioquia and Santander are amongst those most seriously affected by paramilitary operations.

179. The attack on 15 December in which Wilson Borja, the president of the National Federation of State Workers (Federación Nacional de Trabajadores al Servicio del Estado, FENALTRASE) and a member of the committee facilitating peace talks with the ELN, and his two bodyguards were wounded caused uproar. Mr. Borja was receiving "hard" protection under the Ministry of the Interior's protection programme. A humble woman was killed in the attack.

180. The Office received complaints that the security forces used excessive force in controlling labour protests. In Medellín the mayor, invoking Decree 326 of 5 May 1999 that allows the metropolitan police to suppress and break up any large moving body of people, prevented the celebrations to mark 1 May, International Labour Day, from going ahead (see chapter V.A).

181. For the Special Protection Programme run by the Ministry of the Interior, see chapter VII.D.

8. Ethnic minorities

182. That ethnic groups are especially vulnerable has been pointed out in previous reports. Members of both the indigenous and black communities still face difficult situations in which constant disregard of their economic, social and cultural rights goes hand-in-hand with frequent encroachments on their civil and political rights. What is more, ethnic minorities in the parts of the country where the armed conflict is most intense continue to be heavily victimized by all the warring parties.

183. The members of illegal armed groups were responsible for the bulk of the violent incidents affecting ethnic groups. However, the Office has also had complaints relating to events in which the indigenous population was subjected to arbitrary killings, detentions, unreasonable restrictions on freedom of movement, illegal seizures of property and disproportionate use of force by the security forces. In Pueblo Rico (Chocó), on 18 April, three members of the Alto Andágueda reserve lost their lives in incidents blamed on soldiers from the San Mateo Battalion. In Tutumendo (Chocó) on 20 August, two indigenous men were arrested by individuals in civilian clothes who identified themselves as policemen and threatened to kill them. In the Embera reserve in Alto Sinú, in early May, soldiers of the Junin Battalion helped themselves to food supplies against their owners' will. Chapter V.A of this report mentions the brutal suppression of an indigenous protest in Toledo (Norte de Santander).

184. During the period covered by this report, the Office received numerous complaints of extra-judicial executions of indigenous community members. The Governor of the Abejero indigenous council was first cruelly mutilated then killed by paramilitaries on 22 August. Another indigenous man was killed and his body dismembered by a group of paramilitaries on 7 September in Motordó (Chocó). Many of the extrajudicial executions in the ethnic communities ought to be ranked as massacres. In May alone, six paramilitary massacres were reported in the area around Buenaventura (Valle) which is inhabited mainly by people of African descent. Other massacres of the indigenous population were perpetrated by the FARC in the indigenous reserve of Limonar (Guanía) on 10 February and the Yaberadó reserve near Uraba in Antioquia on 1 August. In some of the cases reported to the Office the victims were mutilated before being killed.

185. The ethnic communities' effective enjoyment of their rights has been hindered by several factors. Many State authorities are unaware of indigenous legislation, there are constant conflicts over land tenure between the inhabitants of indigenous areas and other social strata (landowners and small farmers), and the various armed factions are moved to violent action by their strategies for territorial control.

186. The economic, social and cultural situation of the indigenous and Afro-Colombian minorities falls far short of satisfactory living standards. A large proportion still live in extreme hardship and poverty, their quality of life is deteriorating sharply and their traditional relationship to their surroundings is being adversely affected, or they run the risk of losing their cultural identity and even, in some instances, disappearing as an ethnic group. On the other hand, these communities are among the most frequent victims of violence resulting from abuses of power and breaches of humanitarian norms, which have severely affected their basic rights to life, to personal integrity, to personal freedom and freedom of movement.

187. During the year 2000 there were many complaints that inhabitants of indigenous and Afro-Colombian areas were being forcibly displaced. Among the victims were 126 Emberas from the area adjoining the municipality of Juradó (Chocó) on 1 January, another 600 Emberas who had to flee to Frontino (Antioquia) on 15 May, some 1,500 Kankuanos from the Atanquez region who fled to Santa Marta on 19 May and 400 Yukpas from the Perijá range who took refuge in Casacará (Cesar) on 28 May. As a result of the massacres by paramilitaries in Buenaventura, the number of people internally displaced in May rose to 7,000. Both paramilitary and guerrilla groups were blamed for these huge exoduses. According to official sources, indigenous people and Afro-Colombians accounted for 36 per cent of all those displaced over the period.

188. Death threats against leaders of ethnic minorities and the people giving them legal advice or humanitarian assistance were also reported. Such threats came from all the armed factions; mention must be made of those made by the FARC against members of the Organization of Indigenous Peoples of the Orinoco and Colombian Amazon (OPIAC) and by the AUC against the Antioquia Indigenous Organization (OIA).

189. Another way in which the illegal armed groups often abuse the native population is through forced recruitment. Cases have been reported in the indigenous territories of Sierra Nevada de Santa Marta, Antioquia, Chocó, Guanía, Putumayo and Vaupés. The practice seems to be dictated by the need of the armed groups concerned to have within their ranks people who know the countryside they are seeking to control.

9. Freedom of opinion, speech and education

190. During the current period the Office has observed with concern the growing limitations on the right to freedom of opinion, speech and education as a consequence of attacks on, and killing of members of the media, students and academics.

191. Serious acts of violence were attributed to all the armed factions, and there were threats against journalists in which not only the factions but also State officials have been involved. This explains the increasing frequency of worrying levels of self-censorship among media workers arising from the control exercised by the armed factions over the information generated by the Colombian armed conflict. This situation has limited significantly the exercise of press freedom, leading to fragmentation of information and polarization of public opinion. Within this context, 12 journalists have lost their lives during the current year and it has been possible to establish in at least six of the cases a direct link between the deaths and the work being done by the reporters. In addition, seven journalists have been kidnapped.

192. In a disturbing and growing pattern, the constant threats and intimidation against journalists in Colombia have led to at least five media workers leaving the country for safety reasons. In what will no doubt go down as one of the most serious cases of intimidation, journalist Yineth Bedoya was taken captive and subjected to inhumane and degrading treatment while keeping an appointment in a Bogotá jail. All the evidence suggests that this was directly connected with her coverage of the clash that took place between prisoners in this jail on 27 April, in the course of which more than 20 inmates died (see section 5 of this chapter).

193. There have been few instances in which the investigations to elucidate the wrongful treatment of these journalists have yielded satisfactory results. That is especially true in the regions, where journalists frequently engage in other activities, making it difficult to determine whether the threats - and, for some of the people concerned, their death - are or are not connected with their work as journalists.

194. These difficult conditions have made journalism into a high-risk occupation in Colombia. To counteract this situation, the Government issued on 18 August 2000 Decree 1.592, establishing the "Programme for the Protection of Journalists and Social Communicators". The Programme's basic purpose is to provide protection for threatened media workers. However, as the Committee did not officially take up its functions until September, the Office does not have sufficient evidence to assess its performance.

195. In addition, there was a worrying rise during the year under review in instances of killing, threatening or intimidation of academics. In the past, this type of violation was basically connected with the arrival of self-defence groups in the Universities of Antioquia and Córdoba. However, during the period in question other higher educational institutions, such as the Universidad Surcolombiana in Neiva and the Universities of Atlántico, Cauca and Valle, were also affected by killing and threatening of students, teachers and employees. Five victims were reported among teaching staff at the Universities of Córdoba and Atlántico, and three more among student leaders at the Universities of Córdoba, Atlántico and Pasto. On the other hand, unfortunate events such as the death of a policeman during a protest march at the National University in August gave rise to a round of questioning of members of the student movement.

196. With the aim of improving contact with the university community, the National Police and the Ministry of the Interior coordinated the "International Seminar on Conflict and University Community Protection" held in August. The participants in this event included representatives of the State, the university community, supervisory bodies and international organizations.

10. Political rights

197. During the period covered by this report political movements and politicians had to cope with significant limitations on, and difficulties in the exercise of their political rights. Mention must be made in particular of the attacks on local officials by the various armed factions that hold sway in certain regions. The Colombian Federation of Municipalities reported that, over the country as a whole, 17 candidates for mayor and 14 candidates for posts as councillors died violently.

198. The elections for governors, mayors and municipal councillors were held on 29 October. Except for some isolated events such as those in Vistahermosa, a municipality in the pull-back zone, where the elections had to be halted because the guerrillas stole some of the election supplies, no other major public order incidents were noted. However, during the pre-election period there was a wave of threats, executions, abductions and personal attacks against candidates and political figures. According to local officials, more than 600 municipalities are affected by guerrilla or self-defence groups.

199. The Office received information on the situation faced by Unión Patriótica (UP). During the period under review, there were reports of threats, harassment, killings, disappearances, displacements and exile affecting UP members. In most of these cases, the paramilitaries were referred to as the presumed perpetrators. In some specific cases, direct threats were made by these groups, particularly in Barrancabermeja (Santander) and Yondó (Antioquia). The Office also received complaints that threats had been made by the military, particularly in Cundinamarca, Santander and Antioquia.

200. Concerning the 29 October elections, the situation of violence and intimidation prevented UP candidates from registering to run for positions in the departments of Córdoba, Sucre, Bolívar, Urabá (Antioquia and Chocó), Meta, Putumayo and Antioquia. An example was the death of Heliodoro Durango, a UP candidate to the Departmental Assembly and member of the UP national leadership, who was killed in Medellín on 8 September. As a result of his death, all UP candidates running in the elections withdrew their candidacies.

201. The Government established a Comprehensive Programme of Special Protection for Leaders, Members and Survivors of the Patriotic Union and the Colombian Communist Party. The Reiniciar Association (Corporación Reiniciar) reported to the Office that between January and September there were 11 executions, 2 execution attempts, 1 forced disappearance, 13 forced displacements and 4 instances of people going into exile with their families, as well as several cases of threatening and harassment of UP leaders and members.

VII. FOLLOW-UP OF INTERNATIONAL RECOMMENDATIONS

202. This chapter reviews the follow-up of international recommendations on the human rights situation in Colombia, including the recommendations made to the country by the United Nations High Commissioner for Human Rights, United Nations bodies and organs in the inter-American system.

A. Recommendations on the adoption of human rights and international humanitarian law measures, programmes and policies

203. The recommendations in this regard relate to the effective and priority implementation of a human rights and international humanitarian law policy and to the elaboration and implementation of a national plan of action in those spheres. The essential elements of such policy must include the combating of paramilitarism and impunity, a full and priority response to forced displacement, gender and child-protection policies, as well as social, economic and cultural rights directed specifically to the more disadvantaged sections of the population.

204. Neither the establishment of the Standing Inter-sectoral Commission for the Coordination and Follow-up of National Human Rights and International Humanitarian Law Policy nor that of the Presidential Programme for the Promotion, Respect and Guarantee of Human Rights and of the Application of International Humanitarian Law has had any great effect on the definition and implementation of action to overcome the serious situation in those respects.

205. Regarding the Government's undertaking to draw up a national plan of action, a cooperation agreement with the Office of the Vice-President led to the Office providing advisory

services for the preparation of the plan. The first methodological document produced did not even result in discussion and analysis of the kind needed for substantive progress in designing the plan.

206. Concerning the problem of paramilitarism and the combating of impunity, the Office was informed that, as a consequence of the Executive's discretionary powers, 388 members of the military were dismissed. As of this writing, the Office has not received the detailed information about the contents and reasons for that action that it needs if it is to be able to consider the dismissals as an act of political will on the Government's part aimed at separating from its forces officials involved in human rights violations, support for paramilitarism, or breaches of international humanitarian law. Nor has the Office been informed what disciplinary and judiciary proceedings were in progress in those cases. On the contrary, the main officers accused of, or subjected to criminal investigation for violations of the kind in question appear not to have been affected by the measure. That does not seem indicative of real commitment on the Executive's part to the combating of impunity as one of the decisive factors in the struggle against paramilitarism, in particular as regards public servants involved in support for, tolerance of, and complicity with those groups and the corresponding penalties.

207. In regard to the aforementioned Decree 324 (see chapter VI.2), there has been no evidence of the existence of substantive, effective action against the paramilitary phenomenon. On the contrary, the situation constitutes another example of the inadequate implementation or non-implementation of rules and mechanisms intended for dealing with the serious human rights crisis.

208. As indicated in the previous report, in regard to the fight against impunity, the Special Committee to Promote the Investigation of Human Rights Violations (Decree 2.429 (1998)) has served to identify the obstacles and difficulties that affect the promotion of investigations (such as problems of security and protection, financial resources, inadequate cooperation by the forces of law and order in executing arrest warrants, transfer to military courts), but has not managed to respond effectively to them through mechanisms and decisions of a nature to overcome them.

209. Regarding forced displacement, the creation of the Joint Technical Unit, the formulation of a comprehensive plan of action for 2000-2002 and the regulation of a number of aspects of Act 387 through Decree 2.569 of 12 December 2000 are all steps forward. The Decree: fixes the functions of the Social Solidarity Network as the coordinating body for the national information and comprehensive care system for people displaced by violence; provides a legal definition of the status of displaced person; establishes the single register and sets out the rules for the management of emergency humanitarian care. However, a year after approval of the decision of the Economic and Social Policy Council (CONPES), issuance of other regulations relating to Act 387 is still awaited. Likewise, the plan of action is not being implemented with either the urgency or the coordination that the seriousness of the emergency it was approved to prevent requires. The Social Solidarity Network that Act 387 foresaw as an organ for recording and analysing the phenomenon of displacement still has an extremely limited registration capacity, with the result that there are widely differing estimates of the scale of the problem. There has been no progress regarding prevention either, and establishment of an early warning system is still pending.

210. Pursuant to the Constitutional Court's decision (see chapter VI.3), the Social Solidarity Network began working with other institutions with a view to assessing the measures to be taken and studying the legal mechanisms to be proposed. Notwithstanding, it is disturbing that, under the pretext of finalizing a new action plan, the execution of programmes and policies that are urgently needed to deal with the emergency should, once again, have been delayed. No significant progress has been made in adopting effective measures to counter the increase in attacks and threats against national and international humanitarian aid agencies providing assistance to the displaced.

211. Regarding policies for the respect of freedom of association, the Ministry of Labour's Human Rights Office is, with the help of trade unions, entrepreneurs and State agencies, endeavouring to systematize and analyse the human rights situation of workers. The effort being made, in conjunction with the Attorney-General's Office, the unions, the Ministry of Labour and the Office of the Vice-President, to give effect to a request from ILO to bring together the cases in a common database is praiseworthy. The Ministry of Labour's attitude towards reactivation of the Interinstitutional Commission for Workers' Rights has been positive. It is regrettable, however, that its discussions have not touched on issues and action strategies relative to urgent matters concerning workers' rights and have not yielded enough positive results. The topic of protection of freedom of association is examined below (see section D of this chapter). The Office has, for its part, continued to show its interest in providing, within the scope of its mandate and in close contact with ILO, cooperation and technical assistance to the Ministry of Labour.

212. The High Commissioner shares the concerns of the Committee on the Rights of the Child and notes in this regard the lack of progress in reforming the Juvenile Code to bring it into line with the Convention on the Rights of the Child. There are still no comprehensive care programmes to assist, treat, rehabilitate and integrate minors who are no longer part of the hostilities or who are victims of the internal armed conflict.

213. For their part, most of the recommendations made by the Committee on the Elimination of Discrimination against Women have yet to be adopted by the State.

B. Recommendations on legislation

214. The new Military Criminal Code came into force in July 2000. The previous report examined this body of rules in the light of international standards and recommendations, highlighting the improvements and the shortcomings and incompatibilities. Among the latter was the fact that only torture, genocide and forced disappearance were expressly excluded from military jurisdiction. A decision by the Constitutional Court solved the problem by stating that the provision in question should be interpreted as excluding all serious human rights violations and breaches of international humanitarian law, and not as a restrictive listing. However, the fact that cases like those of Santo Domingo and Pueblo Rico are being investigated by the military courts show that, in practice, the most frequent violations, such as killings or massacres, generally fall outside the ordinary justice system (see chapters V.1 and VII.4).

215. This is of particular relevance in view of the forthcoming entry into force, on 24 July 2001, of the new Criminal Code. This Code incorporates in domestic law offences

constituting human rights violations, such as torture, displacement, genocide and forced disappearance (the Act criminalizing which is examined below), and breaches of international humanitarian law. In principle, these new offences will be tried solely by ordinary courts, but, given what has just been said about military criminal justice, it is open to question what will happen in practice.

216. Act 589/00, which criminalizes forced disappearance, genocide, forced displacement and torture, came into effect on 6 July. Following the review by Congress of the objections of the Executive, some changes were made to the definitions of genocide and forced disappearance. Furthermore, the article providing that only the ordinary courts were competent concerning these offences was left out of the Act.

217. Regarding the definition of genocide, the notion of "groups ... acting within the law" was incorporated in the characterization of the victim. That is something which is not required by the Convention and which leaves the door open to arbitrary decisions concerning groups that are not recognized in law or have no legal personality, should they be victims of genocide. Regarding forced disappearance, individuals belonging to illegal armed groups were included as main authors of the act. That, again, is a distortion of the notion by comparison with the contents of international rules.

218. Similarly, no satisfactory response has been given in the new Criminal Code and Code of Criminal Procedure which will come into force in 2001 to the international recommendations for change, including change concerning habeas corpus, which continues not to apply in cases of deprivation of liberty arising from judicial decisions. Nor have the provisions concerning pre-trial detention been decisively changed so as to prevent systematic recourse to it. In addition, no contribution has been made towards the promotion of a criminal policy having a favourable effect on the prison problem. Lastly, no account has been taken in the code of the recommendation from the High Commissioner and the Committee on the Elimination of Racial Discrimination that racial discrimination should be penalized.

219. The Prison Code has yet to be reformed to cope with the problems associated with the serious crisis in the prison system and the structural shortcomings in that respect.

220. The Single Disciplinary Code that is supposed to solve the problem of the leniency of the penalties for conduct constituting serious breaches of human rights and offences against international humanitarian law has yet to be approved by the legislature.

221. Pursuant to the recommendations of ILO, the Colombian Government ratified ILO Conventions 151 (Labour Relations (Public Service) Convention) and 154 (Collective Bargaining Convention). However, Colombian domestic law has yet to be harmonized with ILO Conventions 87 (Freedom of Association and Protection of the Right to Organise Convention) and 98 (Right to Organise and Collective Bargaining Convention). In June this year the Government approved Act 584, which partially aligns the Substantive and Procedural Labour Codes with international labour law regarding freedom of association and collective bargaining, as suggested by the ILO Direct Contacts Mission. However, the Act leaves some legal voids regarding questions such as monitoring of union registrations and public servants' exercise of the

right to strike. The Labour Statute, which, according to the Constitution, must be adopted by the Congress, has yet to be issued. Nor has there yet been any governmental decision to ratify ILO Convention 183, which extends maternity leave to 14 weeks.

C. Recommendations on the functioning of justice

222. In a clear effort to overcome the difficulties arising in the investigation of cases of human rights violations, the Attorney-General's Office has provided for the creation of 11 satellite units of the National Human Rights Unit. Four of these satellite units began operation in December 2000, two of them in Cali, one in Villavicencio and one in Neiva. However, unless accompanied by measures to deal with the difficulties mentioned in chapter VI, this will not be enough to ensure the strengthening of the Human Rights Unit.

223. The dismantling of the regional justice system and the declaration of unconstitutionality of the provisions that maintained the withholding of identity in the new "specialized justice" system created a need for the reformulation of protection in the framework of criminal proceedings. However, the Government took no significant step to provide the resources needed for the proper and effective functioning of the Attorney-General's Office's Protection Programme.

224. It is noteworthy that whereas, in contravention of international principles, technical defence by graduates who had not qualified as lawyers used to be an accepted practice, such persons' participation in criminal proceedings was banned by Circular No. 052 of the National Office of the People's Advocate, a part of the Office of the People's Advocate. Such graduates may now only act as counsel for people involved in proceedings for minor offences. The Office of the People's Advocate has demonstrated through the circular its willingness to place its activity within the framework of international principles.

225. The reform of the military criminal justice regulations has not brought about any drastic change in decisions on competence or respect for due process in cases of human rights violations or offences against international humanitarian law.

D. Recommendations on the protection of vulnerable groups

226. As in previous years, the Office tried to obtain information on the State's undertaking that the Procurator-General would review the military intelligence files containing information on members of non-governmental organizations. The Office received a copy of the said report in December. The document gives cause for concern because of the absence of an exhaustive investigation, of mechanisms to ensure the correction or deletion of data that does not have national security implications and of provision for periodic review of the data to prevent the emergence of new unlawful practices.

227. During 2000, the Office monitored the operation of the Ministry of the Interior's Protection Programme for human rights defenders and trade unionists and took note that some of the administrative problems mentioned in the Office's 1999 report had been resolved. In particular, it saw that the provision of telephones and radio communication equipment to people

at risk has, in some cases, had a preventive and deterrent effect. Likewise, the High Commissioner commends the efforts to continue strengthening this programme by extending it to other sectors of society at risk.

228. Notwithstanding the above, the efficiency of the Programme as implemented by the Administrative Department of Security (DAS) was affected by a number of problems, including discrepancies in the risk evaluations concerning the beneficiaries of the Programme and the absence of funds for the provision of bodyguards. On the latter point, the Office asked DAS in July to implement the decisions of the Risk Control and Evaluation Committee and take the steps necessary to provide security schemes to more than 20 Programme beneficiaries.

229. In this respect, it is disturbing to see that people who were classified after a risk evaluation as being at high risk have been attacked because they did not have suitable protection. This was the case of the attack against Ricardo Herrera, a trade union leader in Cali, during which another trade unionist, Omar Noguera, who was accompanying him, was killed. In this instance, the Inter-American Commission on Human Rights had requested the adoption of precautionary measures, but they had been refused. There have also been cases, such as that of the trade union leader Wilson Borja, of people being attacked despite being under protection (see chapter VI.7).

230. The progress notwithstanding, the main problem in Colombia today is the lack of an efficient prevention policy. In addition, it must be repeated that the protection and guarantee of people's fundamental rights, in particular those of human rights defenders and trade unionists, cannot be separated from an effective and parallel policy of combating impunity and of action against those who are the source of risks, especially the paramilitary groups.

231. It should be noted that, at its fifty-sixth session, the United Nations Economic and Social Council, expressing its concern at the situation of human rights defenders, who, in many countries, are often subjected to threats, harassment, insecurity, arbitrary detention and extrajudicial executions, requested the Secretary-General to appoint, for a period of three years, a special representative to report on that situation.

VIII. ADVISORY AND TECHNICAL ASSISTANCE ACTIVITIES OF THE OFFICE IN COLOMBIA

232. During the period covered by this report, some of the activities provided for in the agreements signed with governmental and non-governmental institutions began. The development of technical cooperation activities has opened up opportunities for constructive proposals and analysis with the national counterparts. Through its legal advisory services, the Office has made a strategic contribution, principally as regards legislation and the interpretation and proper application of international principles and standards.

233. Despite the financial difficulties described in this report, the Office has held periodic working meetings with counterparts, furnished specific support and set up an interinstitutional

task force with the representatives of governmental institutions that are its technical assistance counterparts. This has made possible prioritization of tasks and avoidance of duplication of efforts by the various cooperating agencies.

A. Cooperation with the Office of the Vice-President

234. Under the framework cooperation agreement, the Office advised the Office of the Vice-President on design of a national plan of action on human rights. As a first step, the Office and the team of advisors to the Office of the Vice-President reached agreement on a document summarizing the comments, conclusions and recommendations arising out of the consultations held with State agencies and civil society to sound out opinions and systematize concepts and core themes for the design of the plan.

235. The above-mentioned document, which was submitted to the Office of the Vice-President in August, also contains a proposed schedule of activities to be undertaken prior to the design. As of the date of this report, a decision was still awaited on the pursuit of the second stage of the project, which would include, inter alia, the discussion of the document by the Standing Inter-sectoral Commission for the Coordination and Follow-up of National Human Rights and International Humanitarian Law Policy (Decree 321/2000), the adoption of a modus operandi, and the making of decisions by the national Government.

B. Cooperation with the justice administration system

236. The Office developed the human rights and international humanitarian law training project in conjunction with the Attorney-General's Office and the Supreme Judicial Council through the Rodrigo Lara Bonilla Judicial Training School. Both institutions showed marked interest and a high level of commitment and cooperation in pursuing the goals set in the agreements signed last year.

237. Design of the programme, the teaching material and the training were entrusted to a team of expert consultants hired by the Office. The team, in close cooperation with the technical assistance cluster, coordinated all the activities with the national counterparts.

238. The following are the results of the projects:

(a) Institutionalization of the human rights and international humanitarian law study course for officials of the judiciary, whether from the Supreme Judicial Council or the Attorney-General's Office.

(b) Creation of networks of trainers and facilitators from the School of Criminal Investigation and Criminal Studies of the Attorney-General's Office and the Lara Bonilla Judicial Training School. These networks are charged with ensuring that officials from their institutions have basic knowledge in international human rights and humanitarian law so as to improve the contribution of the judiciary to human rights protection.

(c) Two human rights and international humanitarian law courses: one, with logistical support from the USAID-MSD Justice Program, for specialized prosecutors, court

experts and investigators from the Technical Investigation Unit assigned to the Human Rights Unit, and the second for new members of the Human Rights Units in Cali, Neiva and Villavicencio. Some prosecutors belonging to the trainers' network participated as instructors in these courses.

(d) Four repeats of the course for prosecutors and local and sectional officials from Bogotá were given by the School of Criminal Investigation and Criminal Studies of the Attorney-General's Office with the assistance of the trainers' network.

(e) Two publications in progress, the first being a compilation of international human rights law, international humanitarian law and international criminal law instruments, and the second a compilation of relevant case law and international and domestic doctrine.

239. The Office submitted to the Supreme Judicial Council and the Attorney-General's Office a series of proposals and recommendations highlighting inter alia the importance of encouragement for academic research, of coordination between the Judicial Training School and the School of Criminal Investigation, and of machinery for measuring the results of training activities.

240. At the request of the USAID-MSD Justice Program, the Office gave two intensive courses on the above subjects to officials from the Procurator-General's Office.

241. Under the framework agreement concluded with the Office of the People's Advocate, the Office began with an international consultancy, a project aimed at supporting the National Public Advocacy Department by furnishing a diagnosis of the services it provides.

242. The projects for the design for the Attorney-General's Office of a protection system for victims, witnesses and participants in criminal proceedings and for the design for the Procurator-General's Office of a prevention system began in December.

C. Cooperation with academic institutions

243. During the period under review, the Office undertook the planned cooperative activities with the National University. Thus, the project to collect and update the international recommendations on human rights and international humanitarian law made to Colombia was implemented and resulted in the issuance of a publication containing, classified by topic, the recommendations made by organs of the United Nations system, ILO and the Organization of American States. In addition, work was done on designing a CD-ROM and a Web page, with a view to systematizing and promoting computerized access to the recommendations. The Web page, hosted by the National University's Information Systems Centre, will be operational at the beginning of 2001.

244. These tools will make a crucial contribution towards greater awareness, study, follow-up and dissemination of the recommendations in the University. They will also be of value to State authorities and institutions because they will facilitate the acquisition of specific knowledge concerning and the effective monitoring of international recommendations.

D. Cooperation with non-governmental organizations

245. During 2000, in view of the wish of the Coordinación Colombia-Europa-Estados Unidos to expand the geographical scope of its work, the Office initiated a series of educational activities with non-governmental organizations belonging to that grouping. A work plan was drawn up jointly; it aims at improving coordination and cooperation between the non-governmental organizations, as well as with the Office. The plan provided for the holding of four regional workshops on human rights and international humanitarian law.

246. Two workshops were held in July and November in Barranquilla (Department of Atlántico) and Bucaramanga (Department of Santander). They were attended by 125 representatives of non-governmental organizations, social organizations, trade unions and the Church from the departments or regions of Atlántico, Sucre, Bolívar, Cordoba, Magdalena, La Guajira, Cúcuta, Arauca, Santander, Norte de Santander and Middle Magdalena.

247. Participants were trained in various subjects including the mandate of the Office, the preparation of urgent actions and complaints, national and international protection mechanisms, preparation and presentation of human rights projects, the protection programmes for human rights defenders and self-protection measures. The workshops also contributed towards the strengthening of local processes for the promotion, protection and defence of human rights in the Atlantic Coast and in the North East region. Financial problems necessitated the re-scheduling of the two regional workshops planned for the months of September and October in Cali and Medellín.

248. The Office also advised and assisted five community organizations through the financing of five micro-projects in the communities of Cartagena (Department of Bolívar), Tubú (Cúcuta), Carmen de Bolívar (Bolívar), Bucaramanga (Santander), and Carmen de Atrato (Chocó). The projects, which concerned human rights issues and peaceful conflict resolution at the local level, were organized under the UNDP/UNHCHR Assisting Communities Together (ACT) Project. Execution of two of them was delayed by security problems arising from FARC and AUC attacks in the areas concerned.

249. On the other hand, in July, the Office, in conjunction with the non-governmental organization CODHES (Advisory Office for Human Rights and Displacement), held a workshop on human rights and protection mechanisms for the displaced in Cartagena de Indias (Bolívar).

IX. CONCLUSIONS

250. The obvious deterioration in the human rights situation continued in 2000. The human rights violations can be qualified as grave, massive, and systematic. The main rights affected were the right to life and the rights to inviolability, freedom and security of the person. As the Minister of Defence acknowledged, members of the paramilitary groups were again the principal violators of those rights.

251. The breaches of international humanitarian law were again recurrent, massive and systematic, many of them forming part of a general assault on the civilian population. The

deterioration of the armed conflict is demonstrated by the combatants' frequent inobservance of the humanitarian principles of restraint and discernment and their increased targeting of defenceless civilians.

252. As concerns the Government's priorities, protection of human rights and compliance with international recommendations were neither accorded the importance nor pursued with the persistence or effectiveness that the serious situation in Colombia requires. This was reflected in the Government's limited follow-up, continuity and vigour regarding relevant mechanisms and standards. It was also reflected in the absence of adequate resources for programmes and institutions that have a vital role to play in the human rights area and could contribute towards the resolution of the country's human rights crisis. The High Commissioner expresses her concern at the fact that the authorities have failed properly to follow up the majority of the international recommendations.

253. The Office was able to confirm that the principal problem as regards human rights is not an absence of laws, programmes, mechanisms or institutions, but a failure to use them and thus an absence of tangible decisions, action and results.

254. The paramilitary phenomenon again grew in extent and strength. The Government's commitment to the counteracting of paramilitary groups has been weak and inconsistent. That is in part obvious from the authorities' replies to communications from the Office informing them of the existence of bases, roadblocks and paramilitary movements or warning of imminent attacks. The instruments adopted by the Government to provide an effective and timely response in the struggle against the paramilitary groups have proved ineffective in containing their expansion or promoting their disbanding. In some cases the instruments have not even been used. The existence of links between public servants and members of paramilitary organizations and the absence of sanctions remain matters of the greatest concern.

255. The High Commission remains concerned at the impunity that still attaches to the main cases of human rights violations and breaches of international humanitarian law. The impunity was expressed in the absence of cases against public officials involved in human rights violations. Strikingly few results were achieved by the Special Committee to Promote the Investigation of Human Rights Violations and Breaches of International Humanitarian Law. Despite the changes in the law, military courts continued to hear cases within the jurisdiction of ordinary courts, thereby making the problem of the impunity of public servants still worse.

256. The administration of justice was again affected by: the security conditions in which members of the judiciary do their work; the shortage of resources, especially for the Attorney-General's Office and its Human Rights Unit; the weakening of institutions, and the lack of access to certain regions of the country. The High Commissioner also regrets the reduction for 2001 in the budget of the Office of the People's Advocate and of its National Public Advocacy Department in particular.

257. The conditions in which persons deprived of liberty are held in Colombian jails manifestly contravene the international rules for the treatment of prisoners. In most of the country's prisons, the inmates have no adequate sanitary facilities, receive only irregular medical

care and are deprived of nutritious food. In addition, prison life continues to be affected by such adverse factors as violence, overcrowding, ill-treatment, arms- and drug-trafficking, insecurity, the running of organized criminal activities from within correctional facilities, and administrative corruption. The High Commissioner is concerned by the absence of effective State control of penal establishments, the lack of a comprehensive prison policy that safeguards inmates' rights, the abuse of pre-trial detention and the limits on the exercise of habeas corpus.

258. Forced displacement continued to increase and to extend into new zones of the country. The High Commissioner acknowledges the efforts and progress made in terms of structural and political ideas, but cannot yet see that they have been translated into comprehensive, concrete measures that deal adequately with the problem. Similarly, she regrets that little progress was made in implementing the CONPES policy for the protection of the displaced, including aspects relating to the conditions for return and resettlement. In addition, no progress was made regarding prevention policy and no early warning system was established or is in operation. The creation of the Internal Displacement Observatory is still pending. The High Commissioner also regrets the absence of governmental leadership regarding protection of internally displaced persons and returnees, a matter that has generally been left in the hands of the people themselves or of the illegal armed factions. She also notes with concern the vulnerability of leaders of internally displaced populations, who are still being threatened, harassed and killed, as well as the lack of a specific policy for their protection and the absence of studies of security conditions in places of resettlement or return. The High Commissioner welcomes the Constitutional Court judgment on the matter and hopes that it will be enforced within the stipulated time limit.

259. Human rights defenders continued to carry out their work under very difficult conditions. The climate of intimidation and insecurity that prevails in the country affects the free performance of their activities and means that they are frequently victims of threats and harassment. The Presidential Directive on respect for human rights defenders and their work (Directive 07) has not brought about any significant change in the attitude of public officials, mainly because there are no penalties for failure to observe its provisions.

260. With regard to populations at risk and in particular to vulnerable groups, the State has made noteworthy efforts under the Ministry of the Interior's Protection Programme. The High Commissioner regrets, however, that the Programme still suffers from financial, administrative and structural shortcomings. Similarly, the High Commissioner wishes to reiterate that protection and safeguarding of human rights, particularly with regard to trade unionists and human rights defenders, cannot be limited to the provision of individual protection. The main problem as regards the protection of human rights defenders and trade unionists is the absence of an effective prevention policy. By definition, such a policy should be based on investigatory and punitive powers that will prevent the armed factions, and particularly the paramilitary groups, from acting with impunity and will also prevent the keeping of intelligence files containing inaccurate or inappropriate information about human rights defenders.

261. Similarly, efforts have been made by the Ministry of Labour, but there has been no corresponding action by other government bodies. The dramatic increase in the numbers of trade unionists killed, threatened or attacked highlights the fact that the measures taken by the Government to protect trade union freedoms have been insufficient and ineffective.

262. The indigenous and Afro-Colombian communities suffered more numerous violations of their fundamental rights, in particular through killings, attacks, harassment, displacement and disregard of their specific rights. The Interinstitutional Commission on Human Rights of the Indigenous Peoples created by Act 1.396 of 1996 met only once during the year under review; on two other occasions, meetings had to be cancelled owing to the absence of high-ranking State officials, particularly from the Ministry of the Interior.

263. The State did not give economic, social and cultural rights the attention needed for progress in, for example, narrowing the inequality gap and improving the situation of the most disadvantaged groups, or in employment, education (including the teaching of human rights), access by the poor to health services and other issues relating to basic rights.

264. The Office observed with concern that violence against minors increased. Minors were the victims of attacks within the context of the armed conflict and of killings, kidnappings (most of them by guerrillas) and displacement. They were also exposed to domestic violence and sexual abuse. Furthermore, violations of economic, social and cultural rights affect children in particular. The High Commissioner regrets that there are still no functioning programmes for the comprehensive care of minors who are no longer part of the hostilities. Nor has domestic law, including law on the treatment of juvenile offenders, yet been harmonized with the Convention on the Rights of the Child.

265. Women continue to be victims of discrimination, especially in the spheres of education, employment and participation in political life. They also suffer from domestic violence, sexual abuse and trafficking. Within the context of the armed conflict, they are victims of sexual assaults by combatants and they constitute the largest proportion of the internally displaced. The programmes and standards provided for as part of a gender policy have not substantially altered women's situation of inequality and vulnerability.

266. It is a source of concern to the High Commissioner that some authorities' proposals for strengthening State action against crime by illegal armed groups involve some restrictions on constitutional guarantees. The proposals could go beyond the bounds of international rules and seriously affect the intangibility of fundamental rights.

267. The High Commissioner has observed that the Colombian Government has not continued the dialogue with her Office at a sufficient level of knowledge or in a sufficiently forward-looking or effective manner.

268. She considers it of the utmost importance that the Colombian Government should avail itself of the Office's capacity to provide advice on matters within its competence and on furthering the implementation of international recommendations. The limitations referred to above have been detrimental to the Government's response on such matters. The High Commissioner is, therefore, convinced that there is a need for a more substantive dialogue by the Government with the Office and that this situation warrants the special attention of the international community.

X. RECOMMENDATIONS

Recommendation No. 1

269. The High Commissioner reiterates that both she and her Office are fully available and willing to assist the Government, other State institutions and civil society in the search for mechanisms to deal with the complex and critical situation in Colombia regarding matters within her mandate. To further the discharge of that mandate, she invites the Government to strengthen, upgrade and render more effective its cooperation with her Office.

Recommendation No. 2

270. The High Commissioner again encourages the Government, the other armed factions and Colombian society to continue the efforts to find a negotiated solution to the armed conflict. She also urges them to consider as a matter of urgency the adoption of a Comprehensive Agreement on Human Rights and International Humanitarian Law.

Recommendation No. 3

271. The High Commissioner urges the Government to take all necessary measures to ensure the respect and guarantee of human rights, to consider full exercise of those rights to be a matter of priority and to implement a comprehensive policy consistent with those objectives. She urges the Government to make progress in the elaboration and implementation of a national plan of action on human rights according to the guidelines set out in the Vienna Declaration and Programme of Action.

Recommendation No. 4

272. The High Commissioner urges the Colombian State to make effective the enjoyment and exercise of fundamental rights and freedoms, including in the "demilitarized zone", by ensuring the presence and operation of the judicial and control institutions. Likewise, she calls upon the FARC to respect, without exception, the rules of international humanitarian law and the legitimate access of the population of the demilitarized zone to the due protection and guarantee of their fundamental rights.

Recommendation No. 5

273. The High Commissioner reiterates her call to all the conflicting parties to abide strictly and unconditionally by the principles and standards of international humanitarian law and to refrain from all acts that may injure or endanger persons and property protected by that law. She also urges the non-State armed groups to release unconditionally and immediately all the persons who have been taken hostage. She wishes also to issue a reminder that all persons deprived of liberty in the framework of an armed conflict must, in all circumstances, be treated in a humane manner, that the sick and wounded must be given proper medical attention and that there must be access for humanitarian organizations.

Recommendation No. 6

274. The High Commissioner strongly urges the Colombian State to combat paramilitarism effectively and to dismantle it for good by arresting, prosecuting and punishing everyone who encourages, organizes, leads, participates in, supports or finances it, including public servants who have links to it.

Recommendation No. 7

275. The High Commissioner again urges the Colombian State to ensure that those who are responsible, by commission or omission, for violations of human rights or breaches of international humanitarian law cease to enjoy impunity. In this regard, she urges the authorities to redouble their efforts to arrest, prosecute within the ordinary justice system and punish the perpetrators of such serious acts and to ensure that the victims of the acts receive timely and appropriate reparation.

Recommendation No. 8

276. The High Commissioner emphasizes the imperative need to take all the necessary legislative and administrative measures to deal with the shortcomings and failures in the administration of justice. In this regard, she draws attention once again to the urgency of strengthening, through adequate resources and programmes, the protection of judicial officials, of victims and of witnesses to participate in legal proceedings.

Recommendation No. 9

277. The High Commissioner urges the Government to prevent cases of violation of human rights or infringement of international humanitarian law, which should always be tried by ordinary courts, from being tried by military criminal courts. In that regard, she reminds the State that the provisions of the new Military Criminal Code and the new Ordinary Criminal Code must be interpreted and applied in conformity with the relevant international standards and with the clear criteria established by the decisions of the Colombian Constitutional Court.

Recommendation No. 10

278. The High Commissioner urges the State to adopt a policy on crime that is fully in keeping with the principles of rights-based criminal law. With that in mind, she reiterates the need to incorporate in the Prison Code all the reforms needed to guarantee prisoners full enjoyment of the rights not affected by their sentence and the conditions of detention required by the relevant international minimum rules. She also calls on the Government to root out corruption within the prison system and, in order to reduce the high incidence of violence in prisons and preclude the recurrence in them of the dynamics of the armed conflict, prevent the entry of weapons into penal establishments.

Recommendation No. 11

279. The High Commissioner reiterates her concern regarding the increase in the phenomenon of forced displacement and urges the State to assume, as a matter of priority and wholly and effectively, the role incumbent on it in that regard. She also urges it to put into effect the rules and machinery it has designed to deal with the matter and fully to implement, in accordance with the relevant Guiding Principles, the CONPES policy and the provisions of Act 387. She emphasizes the urgency of ensuring protection and assistance for the victims of displacement. Lastly, she urges compliance with international recommendations, in particular those made by the Special Representative of the Secretary-General on internally displaced persons.

Recommendation No. 12

280. The High Commissioner urges the Colombian State to adopt appropriate measures to ensure full observance of the Declaration on the Rights and Duties of Individuals, Groups and Institutions in Promoting and Protecting Universally Recognized Human Rights and Fundamental Liberties. She reiterates her exhortation to initiate and maintaining a flexible and constant dialogue with non-governmental organizations with a view to responding to their concerns and coordinating with them the measures needed to strengthen their activities. She also urges the Government to promote knowledge of Presidential Directive 07 among public servants, to require its full application and to impose exemplary penalties on those who contravene it.

Recommendation No. 13

281. The High Commissioner urges the State to guarantee workers who are threatened security of their lives and persons and freedom of association. She urges the authorities to coordinate with employers efforts to facilitate the relocation of threatened trade unionists who so request. She likewise urges the State to regulate the exercise of the right to strike in the public services and to harmonize domestic law with international standards, particularly as regards child labour. She further urges that the recommendations of ILO bodies be followed up.

Recommendation No. 14

282. The High Commissioner encourages the Government to continue its efforts to strengthen and improve the efficiency of the Ministry of the Interior's Protection Programme for human rights defenders and trade unionists by allocating the necessary resources to it and extending the range of beneficiaries. Similarly, she reminds the Government of its pledge to undertake an external, independent evaluation of the Programme's results, impact and difficulties. In addition, she emphasizes that the Programme must be accompanied by an effective prevention policy, including punishment for those responsible for the attacks and threats.

Recommendation No. 15

283. The High Commissioner urges the Colombian Government firmly to direct the State's efforts to design, finance and put into operation without delay comprehensive, efficient mechanisms for preventing and responding to situations where there is information or an alert concerning serious acts of violence and their consequences, such as displacement. In addition to

the need for immediate impact or an appropriate legal framework for achievement of medium-term objectives, it would be useful if the Government bore in mind that such mechanisms are dependent for their success on permanent public institutional and political support.

Recommendation No. 16

284. The High Commissioner urges the Government to adopt effective protection measures to preserve the lives of leaders, traditional authorities, human rights defenders and other threatened members of the indigenous and Afro-Colombian communities. She also urges the State to foster meeting spaces for the development of coordinated, timely and effective policies for attending to and protecting those groups' human rights and preventing violations thereof, including displacement. She urges the parties to the conflict to refrain from recruiting members of the indigenous communities and to respect those vulnerable groups' right to autonomy and the preservation of their cultural identity. She also urges the State to make racial discrimination a criminal offence and to adopt coherent measures to combat it.

Recommendation No. 17

285. The High Commissioner notes with concern the serious economic crisis affecting the country and urges the Government to focus its economic and social policies on the most disadvantaged groups, with a view to achieving significant reductions in poverty and the inequity gap.

Recommendation No. 18

286. The High Commissioner urges the Government and particularly the Ministry of Education to guarantee proper teaching of human rights at all levels of education. She calls for the elaboration and implementation of a national plan of action for human rights education within the framework of the United Nations Decade for Human Rights Education. In addition, she urges the Government and the Ministry of Defence in particular to make the teaching of human rights and international humanitarian law in accordance with international standards and recommendations part of the mandatory training programme for members of the forces of law and order, especially the military. She also stresses the need for knowledge and respect of those rights to be criteria for evaluation and promotion in the military.

Recommendation No. 19

287. The High Commissioner urges the State to adopt measures to reduce the widespread violence against children. She particularly urges the authorities to take urgent steps to provide comprehensive care for minors who are no longer part of the hostilities, with no discrimination between those who have given themselves up and those who have been captured. Similarly, she reiterates her recommendation that the Juvenile Code be brought into line with the Convention on the Rights of the Child, including as regards the treatment of juvenile offenders. She also urges that effect be given to the recommendations of the Committee on the Rights of the Child. Finally, she demands that all armed factions cease to recruit children and release them without delay from their ranks.

Recommendation No. 20

288. The High Commissioner urges the State to combat the inequality that exists between men and women. Effective implementation of the principle of equality and non-discrimination must be guaranteed through a policy that includes measures and actions with gender perspectives. She urges the authorities to set indicators to measure the impact of the measures adopted to correct the current inequalities. She also urges the State to increase its efforts to protect women from the effects of the armed conflict, especially displaced women and female heads of household.

Recommendation No. 21

289. The High Commissioner urges the State to ratify the Statute of the International Criminal Court as well as the Inter-American Convention on Forced Disappearance of Persons. She also recommends that the State recognize the competence of the Committee against Torture and the Committee on the Elimination of Racial Discrimination with regard to individual communications, as provided for in article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 14 of the International Convention for the Elimination of All Forms of Racial Discrimination.

Notes

[1] The Office attends meetings of the Committee pressing for investigations of human rights violations, the Interinstitutional Commission on Workers' Rights, the Intersectoral Coordination and Follow-up Committee on national human rights policy and international humanitarian law, the Ministry of the Interior's Protection Programme Risk Evaluation Committee, the Interinstitutional Committee on Indigenous Rights etc., as an observer.

[2] Colombia has ratified most of the main international human rights agreements, among them the International Covenant on Civil and Political Rights and the Optional Protocol thereto, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child; it has signed the Statute of the International Criminal Court. It is also a party to most of the Inter-American human rights treaties, such as the American Convention on Human Rights, the Inter-American Convention to Prevent and Punish Torture and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women; it is a signatory of the Inter-American Convention on the Forced Disappearance of Persons.

[3] All these instruments have been ratified by Colombia.

[4] Ministry of Defence, "Los Grupos ilegales de autodefensa en Colombia", December 2000.

[5] See previous report, E/CN.4/2000/11, para. 41.

[6] See previous report, E/CN.4/2000/11, para. 41.

[7] See chapter VIII.

[8] See the definition of the violations covered by the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, in particular (d) Deaths due to the use of force by law enforcement officials or persons acting in direct or indirect compliance with the State, when the use of force is inconsistent with the criteria of absolute necessity and proportionality; and (f) Violations of the right to life during armed conflicts, especially of the civilian population and other non-combatants, contrary to international humanitarian law (E/CN.4/2000/3, para. 6).

[9] Constitutional Court, Fourth Review Chamber. Judgement T-607.

[10] Constitutional Court, Third Review Chamber. Judgement T-334 of 23 March 2000.

[11] It must be pointed out that the Ministry of Defence categorizes "killings of four or more people at a time" as massacres; the Office of the People's Advocate and other institutions define massacres as single incidents to which the deaths of three or more people are related.

[12] See previous report, E/CN.4/2000/11, paras. 106 and 124.

[13] Ministry of Defence, "Los Grupos Ilegales de Autodefensa en Colombia", December 2000.

[14] Emergency allowances to cover travel and accommodation expenses, air fares and opportunities to relocate inside or outside the country.

[15] See section 4 above.

[16] Report of the Special Representative of the Director-General for Cooperation with Colombia. Geneva, 9 November 2000, para. 13.